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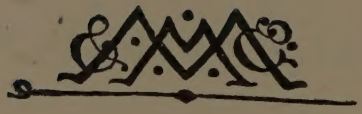
MEMORIALS OF OLD WHITBY



The Abbey, from a drawing made before the fall of the Tower, from the south-west.

Frontispiece.

MEMORIALS

OF

OLD WHITBY

OR

HISTORICAL GLEANINGS
FROM ANCIENT WHITBY RECORDS

BY

REV. J. C. ATKINSON, D.C.L.
CANON OF YORK, AND INCUMBENT OF DANBY-IN-CLEVELAND
EDITOR OF 'THE WHITBY CHARTULARY,' ETC.
AND AUTHOR OF 'FORTY YEARS IN A MOORLAND PARISH,' ETC.

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TO

GEORGE BUCHANNAN

FOR MANY YEARS

MY LOVED AND HONOURED FRIEND, AND

MOST WILLING HELPER WITH

THE PRESENT BOOK

INTRODUCTION

I REMONSTRATED with a local writer of Local History, less than twenty years ago, because he had introduced in his parish sketch, as history, much that was altogether inaccurate, and much besides which was simply fabulous. His reply was to the effect that "the public liked the fabulous and the non-historic, especially if the story was as they had been accustomed to hear it."

With the public for whom this author professed to have written, the present book will certainly not be popular; for its object surely is to elicit the historical truth on the various subjects touched upon, and wherever such truth is not demonstrably attainable, still to suggest such conclusions as are most consistent with the ascertained contemporaneous history, and the circumstances of the times and places concerned. Of course these conclusions may not be in all cases right; they may be ill-grounded or wrongly drawn. But they have in all cases been arrived at only after years of patient thought and consideration, and when those they profess to supersede are manifestly erroneous, and as evidently unsatisfactory.

That some of these earlier views should ever have been put forward at all, and much more, that they should have met with unquestioning acceptance, may seem to be a remarkable

circumstance. Such representations as that Whitby itself, as well as its once Holy House, lay ruined and desolate for two long centuries; that the Abbey church was customarily available—not to say, intended—for the public worship of the townspeople, until a feeling of a supposed something strongly resembling spiritual pride prompted the building of a parish church to obviate the necessity; and divers others of the same general character, seem so incongruous and even extravagant, that one wonders how they could ever have obtained the currency which undoubtedly belonged to them. And again, it seems almost equally strange that the facts latent in the mere circumstance that such a place-name as Thingwal—it being obtrusively evident that the place itself was not only very nigh to Whitby, but of importance enough, notwithstanding the evident smallness of its area, to be reckoned among the "maneria" or quasi-townships appertaining to the home manor—should have been passed by absolutely as if non-existent.

The explanation of such apparently unaccountable oversights and anomalies is probably of a twofold nature. There is a certain equipment of mind and faculty, over and above the accumulation of knowledge which comes from varied and heedful study, which is altogether essential in the case of any one who would fain undertake the historian's labours. He must "read, mark, and learn"; but he must be able "inwardly to digest" as well. I do not seem to think that either of the prominent Whitby historians, so far as regards the ancient and most important sources of information touching the elder cycles of its history, were adequately possessed of the faculty in question. One of them, as is but too apparent, could only read the old writing imperfectly, and neither of them was

well, or even sufficiently, acquainted with mediæval phrase, custom, usage, or history; some of the mistakes made being really grotesque in their simplicity.

Still, with all its imperfections, the work done both by Charlton and Young, and especially in view of the difficulties under which they lay, was highly meritorious. Neither of them spared either labour or inquiry; and the mistakes they made, or the shortcomings that hindered their perception of full historic truth, cannot be charged upon them as resulting from either carelessness or indifference. The disadvantages they laboured under were of a different character, and their comparative failure asks for condonation rather than challenges condemnation.

But the same can hardly be said about the numerous smaller so-called historical essays in the form of "guides" or "handbooks," which are intruded on the notice of the visitor to Whitby, and in many various forms. I have perhaps a dozen lying on my table as I write this. Taking them at random, I find such statements as the following:—"The building," says one of them, speaking of the ruined Abbey Church, "like all Gothic structures, too light and ephemeral in its construction, and very faulty in the masonry, could not resist the vicissitudes of a northern atmosphere, and gradually went to decay"!! How could a man in his senses, and a not unobservant man in other particulars, commit himself to such astonishing perversion of fact, both general and particular! Another, and within the last three or four years, writes: "The refectory has almost disappeared, as also the dwellings of the monks"! Possibly the judicious expenditure of a few score pounds might lead on to the discovery of the sites of the chapter-house, frater or refectory, dortor or dormitory, parlour,

and all the other offices of the Convent, in and among which the monks had their dwelling; but it is long enough now since any one of them has been in any way traceable. Is it possible that this writer has not even the slightest conception of the nature of monastic buildings and their relative arrangement? It is clear that he has no idea of what it is he is writing about. A third writes: "At the time of the Conquest, Whitby and its strand belonged to an earl named Gospatric, who, refusing to submit to William, fled for safety into Scotland. His lands were confiscated and given to Hugh Lupas (*sic*), who, not liking the situation of the place, afterwards disposed of them to his friend William de Percy. The latter built two seats upon this estate, one at Sneaton and the other at Hackness"!!

I think the whimsicalities involved in the last paragraph may safely be left without comment; it is sufficient to say that there is a fine supply of the like in the class of publications referred to.

But a few words should be given in the way of explanation of the plan of the town, as it may or must be assumed to have been at the time of the Dissolution, and which is inserted below at p. 191.

It should be borne in mind that our modern idea of a street in a town or village is entirely inconsistent with the idea of "a street" as it was then. No two houses stood together, or, quite possibly, were in the same line. Every house, whether it stood in a toft or a half toft, stood precisely where and as the will or the whim of the builder dictated. One might stand in the centre of its toft; the nearest, on either side, might stand in the north-east, north-west, south-east, or south-west angle of their several tofts, the tofts themselves being of

varying sizes and shapes. The buildings themselves, moreover, were in many cases so slight and unsubstantial in respect of structure, that it was no unusual thing on some lordships for the occupying tenant, who should have built himself a dwelling on entering on his tenancy, to have liberty to remove the said dwelling bodily on the termination of his tenancy, should such termination ensue otherwise than as usually.

The shaded spaces in the plan just referred to, then, are to be looked upon, not as designating houses or dwellings, but only the areas or plots of ground, on some small patch of which a cottage had its site. As one walks about the country districts of our Island he may see any number of cottages, each standing in its own enclosure, a strip of flower-garden in front, perhaps, and a kitchen-garden extending on either side and in the rear. Such in general were the houses in Whitby, each in its own toft or enclosure, as in other towns also, and the villages besides, as long as ever the toft system continued in being; and that, in some North Yorkshire districts, was down to, and even later than, the first years of Elizabeth's reign.

I must repeat that in no way whatever can our modern idea of a "street" be suffered to intrude itself, if we desire to realise what Whitby was in 1540. It is true that in the plan under notice the tofts are all made to abut in a continuous line on what are now, and long have been, streets in the full modern acceptation. But that is so rather from the necessity of the case than because I believe it to have been so then. The old tofts were, no doubt, plotted out more according to the circumstances, conditions, contours, conveniences of the locality, than on any other principle; symmetry and exactitude being probably the last things to be thought of. The front of

one might project in advance of, or recede behind, the front of another, from a foot or two to perhaps six or ten times that measure. And besides, it is quite likely that in such streets as High Street, Cross Street, and Southgate in Whitby were,—and the same too of the hillier parts of the town on the other side of the river,—the tofts themselves were most irregularly shaped, owing to the remarkable contours of the areas available.

Again, I have not attempted to indicate even the sites of the horse-mills which are specifically mentioned, or of the herring-houses and other places of storage or safe-keeping which are not specifically mentioned, but which we know had their site and their being. My only object has been to try and give some sort of an idea as to where the dwelling-places of the time were placed, and of what cast and character their grouping was.

A few words more on a matter which may be not fully understood rather than misunderstood, if no direct reference is made to it: I refer to the phrase "Old Danish."

Colonists of whatever nationality, and wherever their settlements may be made, carry their own tongue with them, and they and their descendants continue to employ the said tongue. If they are numerous enough or powerful enough to make a clean sweep of the previous denizens of the colonised country, they retain the language of their own old country. If not sufficiently numerous or influential for that, their own national tongue is liable to be more or less affected by the terms and even idioms of their adopted country. There is no need to illustrate this position by particular instances. They abound in the experience of our own countrymen in our own time.

But so I conceive it must have been, and was, in the time and experience of the Danes and Northmen who practically and effectually colonised such large portions of North England, and especially this most Danish part of the "Danish counties." They brought their language with them, and they and their immediate descendants spoke it, and continued to speak it, however much it may have been modified in successive generations by the infusion of English, which would of necessity be introduced as time continued its endless precession. But the tongue they brought with them was, principally at least, the Danish or Norwegian of the ninth and tenth centuries, already, perhaps, somewhat altered from its archaic form, but not as yet even beginning to be stereotyped into any literary form. Moreover, "Only in Iceland," as the writer of the preface to Cleasby and Vigfussen's *Icelandic Dictionary* says, "did a living literature spring up and flourish; there alone the language has been handed down to us with unbroken tradition and monuments, from the first settlement of the island to the present day." The mere fable (if it be no more) or legend of the colloquy between the fugitive Northman, after the battle of Stamfordbridge, with the husbandman of the country, shows how little the modifications made during the century and half preceding the battle named had affected the language as then spoken. The Yorkshire farmer understood the escaping straggler from the routed Northern host, and the latter equally comprehended the speech of the former. And this is the form of the language which I wish to indicate by the term "Old Danish." It was the language which, with steadily increasing modification from the Northern English, continued to be spoken by many a generation of the descendants of the original colonists, and of which such remarkable survivals remained till

quite lately, to be only too surely swept away by the modern "elementary" teacher and the unsympathetic school inspector. If more proof than that afforded by the various North Country Glossaries that the case was even so, be required, a careful, not to say critical, study of the inexhaustible lists of old or ancient field-names would be amply sufficient to furnish it. For these all must have been given by the descendants (and many not in very near generations) of the first settlers, and the proportion among them which is not English and is Scandinavian, is not either trifling or unstriking.

I have only now to express my acknowledgments to the editors of the *Yorkshire Weekly Post* and the *Whitby Times*, for their obliging permission to reproduce several pages which originally appeared in their columns. My best and very sincere thanks are also due to George Buchannan, Esq., of Whitby, for the assistance he has given me in the selection and loan of not a few of the illustrations introduced below. And in the same connection I must acknowledge the courtesy of the authorities of the Whitby Museum, to whom I owe the permission to obtain photographs of their two engravings of the Abbey for reproduction. I would remark also that most of the cuts are from photographs specially taken for this book by Mr. F. Sutcliffe.

1*st September* 1894.

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MYTHS, LEGENDS, AND TRADITIONS CONNECTED WITH WHITBY

a. THE STORY OF CAEDMON

LOOKING into Professor Skeat's *Etymological English Dictionary* just now, I found the word MYTH defined "a fable," and remarked upon as "now a common but quite a modern word, and formed directly from the Greek, signifying a fable"; while the next word in succession, namely, MYTHOLOGY, is described as meaning "a system of legends; the science of legends," and as due to another Greek word having the signification of "legendary lore, a telling of fables." And on turning a few pages back, or to the word LEGEND, I found the definition given was "a marvellous or romantic story."

In this way we have the two words which stand first in the above heading brought into close connection, and the ideas of matters fabulous, marvellous, romantic, marshalled together. Perhaps the idea of FICTION also enters, but only indirectly, and not as an essential factor in the conception or conceptions indicated.

A moment's reflection advises us that the "baseless fabric of a vision leaves not a wrack behind," because the "fabric," besides being utterly unsubstantial, imaginary, illusive, is above all "baseless"; has no foundation, lacks even the merest reality to rest upon. Just so it is with FICTION pure and simple. Its creation is like that of the unreal objects that float before the distempered eye, and it vanishes as

readily when scrutiny is directed upon it and its unsubstantial constituents.

But the same is hardly true of either MYTH, LEGEND, or FABLE in our sense, whatever we may think or say about that which we brand as simply "fabulous." The Myth, the Fable (of the mythic sort), the Legend, has always "a base," a substratum or foundation of some sort. Like the Pentacle, with its mystic application and use, or the Svastika, Fylfot, or Hammer of Thor, the Monolith or Standing Stone—from Jacob's stone at Bethel, and before and since—it has always had its own something to rest upon, its something of substance to spring from, its actual material "base" or occasion.

And that is what is eminently true of the myths, fables, and legends which connect themselves, or are connected with, the ancient history of Whitby—by no means few in number. They are none of them "baseless," like the vision-fabric. It may be that, in many instances, what is merely "fabulous" has been patched upon them, or inserted in them, like the peacock's feathers amid the dusky plumage of the jackdaw in the old old fable; but still there is the actual "base," the something which does not disappear or fade away when the light of inquiry is turned steadily upon it. Nay, it is even possible that the light of inquiry, especially of scientific inquiry (as most recent inquiry has proved itself to be), when cautiously and carefully directed, may lead to the revelation of something not only very real, but very curious and very instructive as well.

Among the matters that may be specially mentioned as coming under such a category as this, are the Horngarth (now recalled to mind rather than represented by what is called the "Penny-hedge"), the Caedmon legend, and two or three matters of a less prominent character, such as the wasting of Whitby by the Danes and its consequences, the conversion of the original Priory into the eventual Abbey, and so forth.

Now, in thinking or speaking about these matters, or some

of them, it may not be amiss to remark at the outset that the myths or legends in question are not only not all of one date, but that divers of them are, as I expressed it a moment since, "patched upon"; or, in other words, that additions and insertions have been made to and in the originals at different and necessarily successive periods. Thus the Horngarth "base" is undoubtedly a very ancient one, the hermit story having been patched upon it, the said story being not only incongruous and inconsistent, alike with reason and history, but also altogether "modern," the late and questionable entry on the parchment flyleaf of the Abbot's Book being almost certainly its foundation. And as regards the Caedmon legend, it is abundantly evident that while it is impossible to regard Baeda's account as pure unsophisticated history, it is at least equally manifest that what Baeda actually did write has been liberally embellished, as well as "patched upon" by a sedulous succession of later writers.

In dwelling, however, for a space upon the story of Caedmon, it will be expedient to remark that (in the words of Professor Morley, *English Writers*, vol. i. p. 299) "we know nothing of the history of Cædmon and his work except from Bede, who in two successive chapters tells first of the life and death of the Abbess Hilda of Whitby, and then of Cædmon, whose great sacred poem was produced at Whitby in her time."

I think the most eloquent and touching (and for our purpose the most suggestive) testimony to the character, attainments, and qualifications of Baeda I am acquainted with is from the pen of the historian, J. R. Green. He says, giving a rapid but comprehensive *résumé* of the circumstances of the time: "Under the peaceful reigns of Aldfrith and Ceolwulf, kings of Northumbria, their kingdom became the literary centre of Western Europe. No schools were more famous than those of Jarrow and York. The whole learning of the age seemed to be summed up in a Northumbrian

scholar. Bæda was born about ten years after the Synod of Whitby, beneath the shade of a great abbey which Benedict Biscop was rearing by the mouth of the Wear. His youth was trained, and his long tranquil life was wholly spent, in an offshoot of Benedict's house which was founded by his scholar Ceolfrid. Bæda never stirred from Jarrow. 'I spent my whole life in the same monastery,' he says, 'and while attentive to the rule of my order and the services of the Church, my constant pleasure lay in learning, or teaching, or writing.' The words sketch for us a scholar's life, the more touching in its simplicity that it is the life of the first great English scholar. The quiet grandeur of a life dedicated to knowledge, the tranquil pleasure that lies in learning and teaching and writing, dawned for Englishmen in the story of Bæda. While still young he became a teacher, and 600 monks, besides strangers that flocked thither for instruction, formed his school at Jarrow. It is hard to imagine how among the toils of the schoolmaster and the duties of the monk Bæda could have found time for the composition of the numerous works that made his name famous in the West. But materials for study had accumulated in Northumbria through the journeys of Wilfrid and Benedict Biscop and the libraries which were forming at Wearmouth and York. . . . Little by little the young scholar made himself master of the whole range of the science of the time; he became, as Burke rightly styled him, 'the father of English learning.' . . . His work was done with small aid from others. 'I am my own secretary,' he writes; 'I make my own notes. I am my own librarian.' But forty-five works remained after his death to attest his prodigious industry. . . . But the encyclopædic character of his researches left him in heart a simple Englishman. He loved his own English tongue, he was skilled in English song, his last work was a translation into English of the gospel of St. John, and almost the last words that broke from his lips were some English rhymes upon death. . . . But

the noblest proof of his love of England lies in the work which immortalises his name. In his *Ecclesiastical History of the English Nation* Bæda was at once the founder of mediæval history and the first English historian. All that we really know of the century and a half that follows the landing of Augustine we know from him. Wherever his own personal observation extended, the story is told with admirable detail and force. He is hardly less full and accurate in the portions which he owed to his Kentish friends Alcwine and Nothelm. What he owed to no informant was his exquisite faculty of story-telling. . . . First among English scholars, first among English theologians, first among English historians, it is in the monk of Jarrow that English literature strikes its roots. In the 600 scholars who gathered round him for instruction, he is the father of our national education. In his physical treatises he is the first figure to which our science looks back."

Now that is a great testimony, and, as I think, in no way exaggerated; and it seems almost an invidious thing even to appear to derogate from it. All the same, there is a qualification which must needs be mentioned in passing, especially with such an object before us as that of the present book is. Foremost as he was as a scholar, as a theologian, as a historian, still there was one particular in which he was not ahead of his own times. What we nowadays style credulity, and stigmatise perhaps as credulity of a gross character, the offspring or result of absolute superstition and the merest ignorance, was a marked and inseparable characteristic of the times in which Baeda lived. And with all his learning, and research, and attainment, Baeda was very far indeed from being free from it. I was looking a day or two ago into the Preface to Cockayne's *Saxon Leechdoms*, and, his immediate subject being the reported power of witches and wizards over storms, and especially of such power as was commonly attributed to the Finns and members of other Northern nations, I

came by the merest chance upon this: "Beda had full faith in the pretensions of these witches to raise storms. He relates how Germanus and Lupus, bishops of Auxerre and Troyes, were encountered by an 'inimica vis daemonum,' a hostile lot of demons, who raise storms, turn day into night, driving the bishops' vessel from its course, and flinging the raging billows over it. Lupus calls up Germanus, who felt somewhat disordered by all this tossing, and with the name of the Trinity and some sprinkling of water the tempest is stilled." The book and section are quoted, and truly there is the whole story, only told with "the admirable detail and force" emphasised by Green, and of which Cockayne's bald version gives not the faintest idea. There is the host of malignant demons. Their object is to frustrate the missionary ends and objects of the devoted bishops. They evoke the storm, and turn day into night with the thick darkness of clouds. The sails are rent by the blasts. The baffled and exhausted sailors can do no more. If the vessel continues to live, it is in virtue of prayer, not of seamanship; but the leader and chief of the two bishops, worn out with the strife, yields to weariness and sleep. This was the opportunity for the malevolent devils, and the ship is all but foundering with the seas that are shipped, all flung with that intention by demoniacal hands. So Lupus and the rest wake poor overtasked Germanus in their dread of going to the bottom. He invokes the name of Christ, takes up a little of the superabounding water in his hand, and in the name of the Trinity sprinkles it over the raging billows, and quells them in a moment; and bidding his colleague be more of a man, he gives encouragement to the rest; when, lo! Divinity is there! The devils are put to flight. A great calm follows; and the winds, going back into the right quarter, favour the scudding craft, which quite easily now attains the haven where it would be. The graphic power and force with which the story is told are inimitable. The author tells it as if he had seen it all, felt it all. And I

am sure no one can read it in the short incisive sentences of the Latin text without feeling that he believed it all.

But if one looks with some degree of attention through the book, one component part of which this story is, and even bearing in mind Mr. Green's well-deserved eulogy of it, one is simply astonished at the great mass of stories of the same kind and character with which its pages are embellished. In my copy I find I have ticketed no less than eight-and-thirty or forty of the headings of the chapters in the English Table of Contents of the volume as containing, if not altogether composed of, exactly the same class of narratives. There is no absurdity, however grotesque in the sight of the modern reader it may be, which is not put down there as a matter of historic faith and credibility. It is a fact that, out of the first eighteen or twenty chapters of the *Ecclesiastical History*, one half involves, or is mainly made up of, relations of marvels or "miraculous" effects, such as curing animals and men of divers grievous disorders by administering to them water in which had been soaked shavings or scrapings from the cross erected by King Oswald before he engaged in the battle with Penda at Maserfield; a badly injured arm being made sound by the application of a little moss taken from the same cross; a foundered horse and a palsied maiden being saved from supervening death, or cured, by contact with the dust of the place in which the said devout king had laid down his life; the same dust as potent to defy the force of fire; demoniacs being completely cured by the inherent virtue of his personal relics; a lad cured of an inveterate fever through coming nigh his tomb; an Irishman in the throes of death recalled to life by a similar agency; the foretelling of a violent storm at sea, and hallowed oil given in advance wherewith to quell it; fire which had been applied to the gates and wall of a beleaguered burgh being deprived of its efficacy to consume by dint of prayer; and the like, without stint or regard for the possible. It is in reference to forthtellings of this nature

that Mr. Henry Morley writes: "Pious frauds were accordant with the civilisation of a time which thought it no sin to mislead heathen opinion in small or even in great things when it appeared that so, with hurt to none, men sitting in darkness might be brought more readily into the way of everlasting truth. . . . But of good Christians who sacrificed themselves to their work in the far past, let us not forget that when they did feign miracles (and possibly there were miracles rather believed than feigned) they who feigned were also of the world in which they laboured, eager to stir with a new life rude masses of people steeped in superstition; for whom marvels were invented by their heathen teachers, and who, knowing as yet nothing of the ways of God in nature, saw the supernatural in every sight, sound, or incident that raised their wonder."

As for myself, however, I totally reject the idea of "feigning" as applicable in the case of Baeda. I look upon him as too honest, too good, too clear-sighted, to be capable of consciously writing and even embellishing a lie, in order to make it—so to speak—go down the more easily. What he believed, that he wrote; that and nothing else. And if he believed what everybody else, "lered and lewed," clergy and laity, the taught and untaught, accepted and believed, there is little that is remarkable in that.

"In those days," "In Bæda's time," "In Cædmon's age," such terms are sufficiently common, and in sufficiently familiar use. But it by no means follows that they carry the weight or significance they ought; the weight and significance they would carry if deliberate thought and attention were given to them in adequate degree. Unwilling as I am, and for many considerations, to overburden my text with quotations from other writers, yet from the point of view indicated in the last period I think it best to reproduce the following from the pages of a recent, but very thoughtful, and quite equally weighty book, appending in a note the opening and con-

cluding sentences of the extract[1]: "The Saxons were only a step removed from all the concomitants of heathenism and all the practices incident to a barbarian people. It is not easy to read ourselves into the actual condition of Anglo-Saxon society, particularly among the lower classes. Studying the laws will not do it, nor yet will the examination of the poets, of Bede, or the Chronicle. From any of these we might be justified in supposing that Anglo-Saxon Britain was, to use Professor Pollock's negative phrase, 'a paradise of yeomen.' Perhaps the best conception is to be gained from an analysis of the list of commissions chargeable by the Church as offences, or from the recipes contained in the books of the Saxon leech. From these we can see how prominent was the animal nature of these old Saxons. The

[1] "Hardly any part of the work of the Church was of greater importance than that which related to the moral and social elevation of the slave class. Its influence did much to mitigate their hard lot, both directly and indirectly. It endeavoured to instil moral principles, particularly in the relation between master and slave, and to preserve the sanctity of marriage, exacting severe penalties for breaches in its laws. It strove to break up illicit intercourse and concubinage; to check entirely the killing of slaves, and their excessive flogging at the hands of their mistresses. The influence of Christianity showed itself in placing freeman and slave on a common basis as Christians, and forbidding many things to be done within this brotherhood which, without the bond of higher union, would have continued to exist in as great a measure as before." After the passage which is incorporated in the text, the writer continues: "Then too every day had its good or evil reputation. Each had its particular use. If unfavourable for sowing seed, it might be favourable for taming cattle. On one day they were to buy, on another to sell, on a third to hunt, on a fourth to do nothing. If a child were born on such and such a day it would live, if on another its life would be sickly, if on a third it would perish early. Much of this was of course not necessarily degrading, but all shows the prevailing credulity. The Church worked ingeniously and indefatigably with these superstitions, turning all that could be used to good account, sprinkling old customs with holy water; drawing lessons from heathenish practices and turning charms, fairy-stones, and potions to the soul's good" (*The Old English Manor: a Study in English Economic History*, by Dr. C. M'Lean Andrews, pp. 188, 190).

Pœnitentials of Theodore and Ecgbert show us one side of Anglo-Saxon society. In these we change the colour and the picturesqueness of their great deeds for the astonishing homeliness and, at times, beastliness of their daily life. Roseate views of Anglo-Saxon freedom hardly accord with the evidence which the list of penances offer. In addition to the degrading practices, the ignorant superstitions of the slave classes in all countries found themselves reproduced in full measure among the Anglo-Saxon *theowas*. But they were not confined to the slave class. The lower classes of freemen as well were basely ignorant and superstitious, and the injunctions of the Church were directed against all. Specifically some of their chief practices were as follows: the worshipping of devils—that is, the heathen gods, idols, sun, moon, stones, men, trees, running water and wells; the belief in witchcraft, enchantments, auguries, divinations, the telling of fortunes and the interpretation of dreams, the mixing of love-potions and torturing with pins. They used charms to make the fields fertile, to find things lost or stolen; amulets to guard against poison, disease, and the risks of battle."

The writer quotes a copious list of authorities, and strong and outspoken as his language is, there is no question that every word of it is more than justified by the evidence adduced. In fact, with more than one of these authorities open before me as I write, and with others on my shelves within reach, I own myself astounded at the low, degraded, wretched brutality—Professor Andrews' word "beastliness" is too mild a term for it—of the habits of mind, thought, feeling, purpose, of the folk of Baeda's and Caedmon's time or age. "In the Shrift-book of Ecgbert, Archbishop of York," says Cockayne, "one of the methods adopted by their women is censured; and it is so filthy that I must leave it in the obscurity of the original Old English. And another record of their nasty ways," which he thinks it necessary to quote,

he leaves in "the obscurity" of the Latin original; and it would be difficult to find words too strong to express the gross ignorance, the monstrous superstition, the heathenish barbarism of the time and the people as revealed by the evidence from the sources of information appealed to.

But this method of looking at things as they were then, does not appear to have commended itself to many among those who have taken in hand to discuss the history of Caedmon and Abbess Hild's action as connected with his poesy, and the use she made of itself and its outcome. So far as I have seen, the general rule—at least, until quite recently—has been, not so much to ignore, as practically to leave unnoticed the mental tendencies of the writer who is the sole authority in connection with the story of our first English poet, the actual circumstances of the time, and the material influences which must have controlled and given a definite shape and colour to the action of all who were concerned. It would almost seem too as if no attempt, sufficiently definite and purpose-like, had been made to read between the lines of the account of the transaction as it has been handed down to us. There are, in point of fact, two versions of it, using the term "version" in its literal sense; namely, a Latin version, written by Baeda himself, and a translation of the same into Old English (or Anglo-Saxon), the author of which is not certainly known, although it has been attributed to an exalted hand. And it is between the lines of this Old English version that we are now in some measure enabled to read.

I take it that the notion most commonly received touching Caedmon is that he was an "oxherd," although some call him a "cowherd." Thus J. R. Green, talking of him, says: "But the name which really throws glory over Whitby is the name of a *cowherd* from whose lips during the reign of Oswiu flowed the first great English song." "On the morrow," says another writer, as he recounts the tale of the sudden inspiration of

Caedmon, "the *cowherd* recounted his story to the Abbess Hild." Other views, as expressed by sundry among the divers who have taken in hand to set forth the marvellous story, represent that he was "an *unlettered peasant* who . . . received his poetical genius by inspiration while sleeping in a manger (!)"; that he was "an ignorant *peasant* . . . who had retired to the stall of the oxen"; that, being one of "the inhabitants of the monastery," he had "lived in a secular habit, and been occupied in menial positions till he was advanced in years"; and so forth. Charlton, the Whitby annalist's, account is: "This Cedmon had lived in a secular habit till well advanced in years, being extremely beloved and respected for his integrity of life and the uprightness of his morals. He was but little acquainted with letters, and possessed no taste for the softer sciences. He was serious and reserved; so that when the monks were invited to any entertainment or feast, and disposed to be merry, it was his custom to retire, and return home, as having no inclination to their mirth and jollity. Once at a certain time, being invited to one of these banquets, it fell in his turn to take care of the horses; and after supper, when others began to make merry, he retired to the stable, under a pretence of minding his charge." And even the sober and much more considerate Whitby historian, Dr. Young, describes Caedmon as "coming in the morning to his *master*, who was the *chief man* of the village."

A more thoughtful and better-informed writer than any of these last, with their strange, grotesque, and discordant notions and misconceptions of the situation and circumstances, expresses himself thus: "Once, when he had left the house of festivity, he went out to the stables of the beasts, whose custody was on that night entrusted to him, a statement from which has arisen, partly through King Alfred's translation of the passage, the common habit of assuming that he was a cowherd"; and this (Professor Morley's) is the only reference,

or nearly so, to the fact that there is what I have called "an Anglo-Saxon version" of Baeda's *Ecclesiastical History*.

Now, in commenting upon the foregoing, I would wish in the first place to remark that it is very far indeed from being certain what Caedmon's social condition really was. For it must be remembered that there were others besides the "oxherd" actual, or (so to say) professional, to whom the charge of the oxen by night might be, and was, from time to time, actually delegated. These were the *gebûrs*. He may, therefore, have been (not a cowherd, but) an oxherd; or he may have been a *gebûr:* a man, that is, whom Mr. Seebohm describes as a "villanus,"—usually Englished by "villein"—"proper, or occupier of a yardland, nominally of thirty acres, with outfit of two oxen and seed"; one of the "services he had to render being that he was 'to lie (that is, spend his night) at his lord's fold from Martinmas to Easter *as often as he was told'*: in plain words, take his turn at watching the fold or cattle-pens, which may have been near the manor, or, as was not impossible, at a distance in one of the enclosed fields, where the danger was chiefly from thieves and wolves" (*Old English Manor*, p. 160).[1] And both versions state that the charge of the cattle-stalls had been put upon Caedmon that night. But if he was not a "villein" or *gebûr*, he must then, of necessity, have been an oxherd. And his duties in that capacity were not light. "The oxen were employed during the day for ploughing, or other draught-work on the land, and as soon as loosed by the ploughman from the yoke, they were taken charge of by the oxherd, who drove them

[1] This, of course, at once does away with all the drivelling nonsense about his being one "of the inhabitants of the monastery," the "secular habit," the "menial situations," his association with "the monks when they were invited to any entertainment or feast," and leaving them when they became jolly; and all the rest of it. One is not surprised at any absurdity one meets with in the pages of Charlton; for any one who is familiar with his book, and is consequently aware of his inveterate habit of putting his own silly, often absurd, fancies down as facts, is prepared to receive his wonderful statements with the requisite amount of discount.

to the pasture, where he remained during the night for fear of depredations. In the early morning he returned them to the ploughman well fed and watered. . . . As this labour was performed during the autumn, spring, and summer months, it would not appear to have been more burdensome than that which the *gebûr* performed in lying at the lord's fold from Martinmas until Easter. For during the winter the cattle would be enfolded in the pens upon the 'inland'" (*Ibid.*)

It was apparently this latter duty that Caedmon was performing when the inspiration of song is described as having come upon him; for he had gone out from the entertainment or *gebeorscipe*, in somebody's house in the *tûn* to the *neat scipene*, the oxstall where he "had been bidden to watch the lord's herd during the night." Such stall, it is known, stood within the inland enclosure, and not in the pasture. Another thing which we are distinctly told is that Caedmon had a home, a *hús* of his own, and was accustomed to meet in the *flet*, what we should term the "house-floor" of his neighbours, whenever a *gebeorscipe* was given. We have also another fact which, though of small moment, is yet worthy of notice; namely, that the oxherd slept—in precisely the same sense as when we say of any one that he "slept at a friend's house" on any occasion—at the allotted place when watching on the "inland"; for Caedmon had composed his limbs for a night's rest, and was "sleeping in the shippon when the vision came to him, and this was apparently the custom. Now, while we may be somewhat uncertain as to the class to which Caedmon belonged, it is of interest to be told that when he awoke from his dream he went directly to the *tûngerefa* who was his *ealdorman*—the reeve of the township who was the superior official—and reported his dream, and was then led by the *gerefa* to the 'lord,' who, necessarily, was the Abbess. Thereafter Caedmon gave up his life as a *gebûr*, and became a brother in the monastery. Such promotion was quite in accord with the

spirit of Anglo-Saxon times: it was possible for a swineherd to rise to be a bishop, as the story of Denewulf shows."[1]

Much of the above is quoted *in extenso*, and it is only necessary to add that the Anglo-Saxon text lies under my eye as these lines are written, that the translation is perfectly literal, and that the terms as given are the terms actually employed; while, as being the native or Old English terms, they give us an insight which their equivalents in the Latin or original version cannot but fail to do.

We see then the undeveloped poet in the fashion of a simple farming-man—for whether *gebûr* or oxherd (with his own private pair of oxen and a cow), he was *that*—present, as he not infrequently was, at a *gebeorscipe* at the house of one like himself as to class and condition, a homely gathering in a cot in the *tûn* or hamlet, such as the cots or huts, then called houses, were, and where the liquor provided would doubtless be the beer from which the descriptive term employed takes its derivation. We see him for shame (*for sceoma*) creeping away when the harp was coming, in its ordered course, near to the seat he occupied, sometimes retiring to his own house or cot, but on this particular night withdrawing to the *neat-shippon* or ox-stalls, of which by special order he happened to be in charge; and there, at the usual hour, he laid himself down to rest. Then in the morning we see him make his way to report himself, and what had happened, to the proper official, the towns-reeve, namely, part of whose special business it was in ploughing time to see the oxen duly yoked and the several ploughs duly and punctually at work; and by this official he is taken as by one under authority to one still nearer the head of all authority in the establishment, the "alderman," as he is called, or the steward (as we might call him), by whom he is conducted to the actual head over all—under ordinary circumstances the "lord," but in this particular case, the Abbess, known as the Lady Hild. The "stable," the

[1] See *Old English Manor*, pp. 211-215.

"horses," the "manger," the "menial situation," his habitancy at the monastery, his presence with other monks at a banquet, his "master who was the chief man of the village," all disappear, and instead we have the sober every-day arrangements of the ordinary Old English manor or estate.

But it still remains to estimate the nature and quality of the history itself as we find it in the pages of Baeda. On the one hand, we have to consider the attitude of the historian's mind, his manner of thought and feeling, his intellectual and mental culture and capacity. On the other, the character and quality of his contemporaries, both mental and material, and of the constraining forces which must of necessity have proved operative in controlling and directing any such work as he set himself to do. We are accustomed to think and to speak of an "intelligent public." We allow for the existence of dense ignorance in places, and as affecting a vast aggregate on the whole; and we lament alike the existence and the extent and the operative influence of the evil. But we fall back with comfort on the prevailing good sense and information and culture of the immense majority, which majority constitutes our "intelligent public." But there was no "intelligent public" in this sense, or in any sense the least like it, in Baeda's time, and of course things would have been worse rather than better in that particular in Caedmon's time. The men and women who felt and thought as Baeda did were few and far between; a scanty band separated by wide intervals, and with rare and difficult opportunities of inter-communion and fewer still of co-operation. I cannot think that even Green's vivid picture of Cuthbert's missionary experiences is anything like adequate for giving us a lifelike idea of what had to be encountered as well as effected within the area of the old Streoneshalh influence. But it may help, and far more effectually than any words of mine could do, in suggesting what it was that had to be looked in the face, and strenuously grappled with. "In 651," says the historian

named, "Cuthbert made his way to a group of straw-thatched log-huts in the midst of untilled solitudes, where a few Irish monks from Lindisfarne had settled in the neighbourhood of Melrose. To-day the land is a land of poetry and romance, Cheviot and Lammermoor, Ettrick and Teviotdale, Yarrow and Annan-water, are musical with old ballads and border minstrelsy. Agriculture has chosen its valleys for her favourite seat, and drainage and steam-power have turned sedgy marshes into farm and meadow. But to see the Lowlands as they were in Cuthbert's day we must sweep meadow and farm away again, and replace them by vast solitudes dotted here and there with wooden hovels and crossed by boggy tracks, over which travellers rode spear in hand and eye kept cautiously about them. The Northumbrian peasantry among whom he journeyed were for the most part Christians only in name. With Teutonic indifference they yielded to their thegns in nominally accepting the new Christianity, as these had yielded to the king. But they retained their old superstition side by side with the new worship; plague or mishap drove them back to a reliance on their heathen charms and amulets; and if trouble befell the Christian preachers who came settling among them, they took it as a proof of the wrath of the older gods. When some log-rafts which were floating down the Tyne for the construction of an abbey at its mouth, drifted with the monks who were at work on them out to sea, the country bystanders shouted, 'Let nobody pray for them; let nobody pity these men; for they have taken away from us our old worship, and how their new-fangled customs are to be kept nobody knows!' On foot, on horse-back, Cuthbert wandered among listeners such as these, choosing above all the remoter mountain villages from whose roughness and poverty other teachers turned aside."

But the sentences with which this graphic sketch of Cuthbert's apostolic or missionary efforts and experiences is introduced merit attention, and especially at the point now

reached, no less than the statements themselves. "Already in his youth Cuthbert's robust frame had a poetic sensibility which caught, even in the chance word of a game, a call to higher things; and a passing attack of lameness deepened the religious impression. A traveller coming over the hillside in his white mantle, and stopping his horse to tend Cuthbert's injured knee, seemed to him an angel. The boy's shepherd life carried him to the bleak upland, still famous as a sheep-walk, though a scant herbage scarce veils the whinstone rock. There, meteors plunging into the night became to him a company of angelic spirits carrying the soul of Bishop Aidan heavenwards, and his longings slowly settled into a resolute will towards a religious life. So easy was it to an even greater than Bæda, and possibly not so very much inferior to him in imaginative self-deception, to see visions and to dream dreams."

It is very possible, with such considerations present in our mind, to regard Baeda's narrative of Caedmon's nocturnal visitation and its alleged results, inclusive of his reception into the monastery, as "perhaps only a misreading of the natural into the supernatural." There is nothing to forbid the view that Caedmon was a homely native poet of some genius, as yet undeveloped; that he was among those who, if not originally converted by the agency of the missionary influences set in motion by Hild's wise and energetic action, had at least been greatly moved and affected by them; or that he had vague yearnings after something higher, nobler, better than the lays and songs the themes of which were bloody battles, struggles with mythical monsters, perilous descents into fearful depths in the madness of self-exposure; and that the heroism of the Story of the Cross and the grandeur of its associations may have wakened the latent spark into life and radiance. But the theory would almost seem to be that of an apologist; of one who would be glad to accept Baeda's story, and to suggest that it may be believed notwithstanding the

miraculous—what many would call the romantic, and others the impossible—element in it. Let us take the sketch of the story as usually told, and as adopted by one (Professor Morley) who took some such view as that just shadowed forth. "When at his usual hour Cædmon yielded to sleep, one stood by him, saluting him, and calling him by name. 'Cædmon,' he said, 'sing me something.' 'I cannot sing,' he replied; 'for I have come out hither from this feast because I could not sing.' Again he who spoke with him said, 'But you *must* sing to me.' 'What,' he said, 'ought I to sing?' And he answered, 'Sing the origin of things created.' Having received which answer, he began immediately to sing in praise of GOD the Creator verses of which the sense is," etc. etc. It is further told that Caedmon on waking remembered the few lines he had made in his sleep, and proceeded to make others like them. And then follows this comment: "Now all this may be true without a miracle. . . . In his lay habit Cædmon had listened to the preaching and had reverenced the self-denying practice of the Culdee missionaries. The songs he had never learnt by rote he had left unlearnt because—though hardly conscious that it was so—they did not satisfy him. He evaded his turn with the harp at feasts. On this occasion he went forth from among his comrades—some of whom had ridden or come in vehicles to the place of festival—because he it was among the guests whose turn it was that night, in the half-civilised community not unused to cattle-plunder, to keep night watch over the beasts of the whole company. The rude feast and song might have impressed the imagination of a poet warmed and influenced by the report of zealous preachers. So, dreaming on his watch, he might have been prepared for the embodiment in vision of his waking thoughts; the waking thought having been that the song demanded from the Christian in those rough days must celebrate to men the glory of the King of Hosts, the Lord Almighty. 'What,' he asked when still dreaming, 'what ought I to sing?' and the answer

given, as we know, in that night, dreaming and waking, he began to weave the solemn song, and his soul, stirred by the theme, seemed to him stirred by sudden inspiration."

Now this is putting the consciousness of inspiration on Caedmon himself instead of attributing the perception of it to others, as the historian does, and the adoption of the phrase "lay habit" tacitly, even although unintentionally, makes him already a member of the religious community. It is open too to unfavourable comment (whether it be a blunder on the writer's part or otherwise to be accounted for) that the teaching of Hild and her associates and fellow-labourers is altogether ignored, unless it is intended to be understood beneath the very questionable word "Culdees." Even if he were only a *gebûr*, or a neatherd of the *tûn* of which the Abbess was the "lord," and by no means a lay brother of the monastery, he was pretty sure to have learnt Christian doctrine at home. But the fact is, the name of Culdee does not appear till the beginning of the eighth century. "To Adamnan, to Eddi, and to Bede it was totally unknown. They knew of no body of clergy who bore this name, and in the whole range of ecclesiastical history there is nothing more entirely destitute of authority than the application of this name to the Columban monks of the sixth and seventh centuries, or more utterly baseless than the fabric which has been raised upon that assumption" (Skene, *Celtic Scotland*, ii. p. 256).

The statement that Caedmon "evaded his turn with the harp" must be dealt with by itself: it is Baeda's, and not that of the modern writer. But the charming simplicity of the view that some of "Cædmon's comrades" had either "ridden or driven" to the house of festivity must not be left quite unnoticed; nor yet the question how it came to be a matter of "turn" among the guests that any one in particular should keep night watch "over the beasts of the company." I am afraid that even if we could accommodate our mental receptivity to belief in the "horses and carriages" of the guests

in those days, the unromantic homeliness of the "neat-stalls" (*neata scypene*) and of the straightforward statement that in the morning he came to the town-reeve who was his alderman (*ða com he on morgene to ðam tûngerefan se ðe his ealdorman wœs*) might disabuse our minds both as to the nature of the "beasts" and the quality of the "guests" who had been present at the feast. So also his "dreaming on the watch" is a little at variance with the literal "in due season his limbs at rest he set and slumbered" (*on gelimplicre tide his limo on reste he gesette and onslœpte*).

But these vagaries are those of the modern Englishman. Did the ancient Englishman also commit analogous, if not similar, deviations from the authentic track? Is there no poetic touch, no imaginative limning, in the sketch which he draws for us? Were the Anglo-Saxon boors—this word is closely related to the old-time *gebûr*, we may as well remember —after all, a cultured class, and not the degraded, sensual, ignorant, as well as superstitious set of people which contemporary writings, the authority and actual testimony of which cannot very easily be set aside, would make them out to have been?

That there were kings and princes who were proficients on the harp, and most likely thanes and drengs as well, besides gleemen and glee-maidens, we are of course well aware. But that such accomplishments should have been common, should have pervaded the rude, rough masses of the agricultural community, so that the harp should pass from hand to hand in its circling course among them, and in hands so coarse should produce a fitting accompaniment for even the rudest poesy we can conceive of, is, I confess, a new and startling conclusion to my mind. And it is not one, either, to which any general course of reading seems to lead up, or for which we are prepared by any familiar analogy. On the contrary, it is as incongruous, as irreconcilable with the facts of history, and even the deliverances of tradition, as it is in itself

incredible. In short, on deliberate thought, one cannot but look upon the story as so greatly embellished that the plain warp and woof of simple, matter-of-fact truth is scarcely to be discerned under the thick embroidery of imagination.

It is here that such expressions as those that follow strike us as suggesting considerations which by no means ought to be passed by on one side when we are trying to weigh the exact amount of historical significance attaching to the story of Caedmon as it is originally told.

"In investigating the lives of the fathers of the Columban Church, and endeavouring to estimate the true character of their mission, we have to encounter a very considerable difficulty. They filled so large a space in the mind of the people, and became in consequence the subject of so much popular tradition, that the few authentic facts of their history preserved to us became overlaid with spurious matter stamped with the feelings and the prejudices of later periods; and these popular conceptions of the character and history of the saint and his work were interwoven by each of his successive biographers into their narrative of his life, till we are left with a statement of their career partly true and partly fictitious, and a false conception is thus formed of their character and mission" (*Celtic Scotland*, ii. p. 79).

Written as this was with quite a different object, and without a thought of its application to the story of Caedmon, there is yet hardly a word in the paragraph that does not accommodate itself to what we may descriptively designate the Caedmon myth.[1] And it is not the less remarkable that it seems to have been copied, or repeated (the names and locality only being changed) again and again,—a thing that has happened and as repeatedly with myths and legends vastly more ancient than that of the Caedmonic inspiration. The barest and briefest reference to the Scandinavian story of the

[1] "The story of the manner of the writing is pronounced commonly and readily to be a *myth*" (Morley, i. p. 306).

poet Thorleifr, in this connection, must suffice. The goatherd Hallbiorn was pasturing his flock about the poet's cairn or barrow, and struggling in vain to sing his praises. One night he saw the hill open and a majestic figure issue from it, which after touching his tongue with its finger retired again into the hill. Hallbiorn remembered the verses he had conceived and became a poet himself. Now it is impossible not to be struck with the coincidences between this story and that of Caedmon; only, as a written story, it is later by at least three or four centuries.

Now, in assuming or asserting the idea that the story of Caedmon as told by Baeda may be, almost certainly is, largely mythical, not so much in its origin as in its general characteristics, it is by no means intended to question its authenticity throughout, and to relegate it to the same category as a fairy tale or an Arthurian legend. That there are elements of historical truth in it, and those of a distinctly interesting as well as curious nature, we have already abundantly seen. The coincidences between what is suggested by the terms employed in the Anglo-Saxon version and the realities of working agricultural life in those days, as faithfully and graphically reproduced by the careful and critical modern inquirer, "unintentional" as they may well be called, are such as to suggest more than ordinary caution in the endeavour to eliminate what is historical from the merely fanciful, imaginative, or fabulous. And thus it is not meant—notwithstanding modern misconceivings and fanciful additions—to question the fact that there were festive gatherings among the class that Caedmon must be taken to have belonged to; but only to indicate what grave reasons there are for coming to the conclusion that the story as it is really delivered to us can scarcely be a "plain, unvarnished tale," or a simple narrative of certain facts as they actually occurred. No doubt there were such parties then, as since, and as now. The very existence of the word *gebeorscipe*—"beership," as I saw it

rendered the other day—is sufficient to assure us of that. And no doubt, either, that music and singing, as well as the beer-drinking, formed part of the entertainment. Nor can there be any doubt that the itinerant musician, whatever his instrument might chance to be, or the glee-maiden (whose name remains in the A.-S. dictionary, as well as those of others whose business it was to minister to popular tastes and popular pleasures), had both place and opportunity for plying their craft at other times and on other occasions besides great public gatherings, or in the hospitable hall of the thane, the lord, or some other great personage. And so it is not easy to see why humbler performers should not find a welcome among any company of Caedmon's compeers, and a share in such good things as were to be had there. But to admit this is a very different thing from subscribing to a belief in any such "paradise of yeomen" as must be implied in the meetings of accomplished boors and neatherds to which Baeda's history of the Caedmon episode, taken literally, would of course commit us.

There need be no doubt, however, that there was a basis of truth, a nucleus of historical fact, to serve as the foundation for the narrative as we have it. I am aware that this is by no means an uncontroverted view; and that even the existence of such a person as Caedmon has been gravely questioned. But I find myself unable to believe that Baeda, living and writing not so very much over half a century later than the date of the events in question, can have made a mistake about the name and personality of Caedmon, or the facts connected, as alleged, with his poetic character and the uses made of his productions. There was doubtless time for "fictitious statements" and "false conceptions" to have been formed, but hardly for the necessity of creating a new origin for poems which assuredly existed. For whether the poem or poems which have remained to this day are rightly or wrongly attributed to Caedmon is a matter of no moment in such a

question. Such poems existed then, and had to be accounted for. And the difficulty of accounting for them on any other historical principle than that adopted by Baeda is simply insuperable.

So then, on the whole, I believe in Caedmon as a poet; I believe in him as a Whitby—at least, a Streoneshalh—poet; and I believe in him, for reasons I have yet to try and set forth, as not only the poet that the times wanted, but as being recognised by the practical and clear-headed Hild as just the man made to her hand. The old and hackneyed dictum, "poeta nascitur, non fit," may have more meanings than one only; and equally so the application thereof may not always be the same. It matters but little what we call the gift possessed by Milton, by Shakespeare, by our lately-lost Tennyson, or any other of the goodly band. I think it and call it "heaven-born," as I do the like or analogous gifts bestowed on hosts of other "gifted" men. And in this sense I look upon the inspiration of Caedmon as something very real indeed. Certainly, according to the apparently true parts of the legend, it cannot, with any measure of truth or fitness, be said that he "lisped in numbers and the numbers came"; but so far from seeing any difficulty in recognising the "spirit" latent under the "letter" of that line, I see no other way in which Caedmon's "heaven-born gift" could have been attested. The "spirit" was there, and doubtless in such a case as his—whether he were *gebûr* or herd—the "groanings" must have been "hard to be uttered." The case is strictly analogous to that of the embryo astronomer who, an untaught shepherd-lad, lay on his back amid his flock and measured the distances between the stars by aid of a string of beads, or of the nature-sprung painter whose first efforts at delineation depended on a bit of charcoal and a whited board or wall. The "gift" was in them, and it sought and found its natural development. And who can number the illustrative instances of the same kind which have repeated themselves from even the very beginning of culture?

But there are other matters awaiting our consideration. If we adopt the views expressed in the foregoing paragraphs, it is obvious enough that the part played by Caedmon in the great work projected and carried out by the able and energetic Abbess of Streoneshalh may well have been a great and important one. Given the fact that the lower classes among the Anglo-Saxons—all, as a rule, agricultural workers—were rude, ignorant, uncultured, superstitious, degraded and debased in modes of thought and practice, hardly half-converted from the heathenism of their forefathers, indeed barely Christian except in name, there was in truth a wide field for Abbess Hild and others like-minded to labour in, and her intelligent and wisely zealous fellow-labourers cannot have been any too numerous.

The difficulty of effectually approaching such a collection of possible disciples or catechumens must have been exceedingly great. We know how indispensable the interpreter was even at the Synod of Streoneshalh. The bishops, priests, and others interested in the questions mooted there, who came from Scotland, Ireland, France,—men who did not know the tongue of the Angli, the northern English of the time,—required the interpretation into their own tongues of the arguments and suasives employed by the English speakers. But it must needs be remembered that Hild's earlier intercourse had been mainly with the so-called Scottish (really Irish in origin) priests and prelates, and that not a few of her most strenuous helpers hailed from the north. For a while, at least, home-born and pure-speaking Englishmen would not be too numerous among her immediate personal associates and auxiliaries. And how, under such conditions, was she effectually to get at what we might call "the masses"? Missionaries nowadays have their special training in the languages of the peoples among whom it is intended that they should be set to work; and as a preparatory schooling it is by no means perfunctory or make-believe. Hild could have had but few men so trained to help

her in her early years. And even if she had had, or when she had begun to have them, where were what we may, for illustration's sake, style her text-books, available for use among such a growth in such a field of labour as hers, the bulk of the learners being such as they have been described to us as being? Of course oral teaching must have been the rule of the day, as in all new mission-fields especially, and without it not a step could have been taken, not a single lesson inculcated. But there must have been much to strive and toil over before systematic instruction in Christian principles and Christian practice could have been effectively organised and initiated.

Yes: but this reminds us that the same means were open to her as were resorted to by not a few contemporary "makers" and "singers" for keeping alive the recollection of great deeds, the illustrious descents of the doers of them; for ministering to the pleasure, gratification, entertainment of the folk, the people, by aid of songs, lays, metrical legends, or what not, of the existence and acceptableness of which we are left in no doubt, even if we go no further than what this Caedmon story reveals to us. The "boors" themselves might not be the tuneful singers, and the convivial "beership" might not be furnished with minstrels for guests; but if there had been no lays and no minstrels available and accustomed at such gatherings, most assuredly Baeda would have had no materials out of which to construct and fashion forth such a story as he has given us.

So that Hild too could recognise a suggestion in what was in practice among her own dependents and field-workers. She too might employ the method of the incisive, easily-remembered alliterative measures and sentences of the heroic or mythical or fabling romances of the day, only putting in the place of the giant, the monster, the fen-drake, the mere-hag of the ordinary lay, the Evil One with his hosts and his satellites. She too in this way could tell of the death-struggle of the Hælende, the

Rescuer, the Saviour, with the powers of sin and evil and him that had the power of death. She too could go farther back still, and tell how the strife began; she could tell of the origin of all things and the cause of their being; she could publish abroad the absolute truth of the All-father, the All-embracing Creator, the Author of life and health and hope, and what she wanted was "the Scóp," "the maker," "the poet," to grapple with these themes, deal with them, and hand them back to her in a form which should render them as self-recommendatory as the old lays of the old makers and singers of stirring exploit and daring venture.

And this was what Caedmon supplied in the time of her experienced need of it. Strip the story of its romantic clothing and covering, and the plain facts amount to this. A man belonging to the human agricultural equipment of the "familia" of which Streoneshalh formed the most important section; a man maybe more familiar with the wattled work, the horn-garth-making, the diking and fencing or tyning the grouped dwellings of the township, or the sheepfold of the lord (that is, the Lady Abbess), or with the feeding and care-taking and yoking of her plough-oxen, than with matters calling for more culture or greater refinement; a shy man, reserved, dwelling on matters apart from the daily round of homely task and occupation when the time for thought or reverie came; a man with but little in common with the tastes and likings of the groups he mixed among or made one of; a man who could people the empty space, the yearning solitude of the dusk of evening, or the prompting silence of the midnight darkness, with things and beings and utterances as real as the offspring of imagination actually is to the seer of such visions; such a man as this is found on some occasion or by some chance discovery—perhaps finds himself: who shall say?—possessed of a gift, a facility for stringing together line upon line, strophe upon strophe, according to the accustomed models familiar to the rough unpolished wassailers of his *tûn* and time. Nay,

more: I can see no difficulty in conceiving of such a man as I have imagined actually leaving the *gebeorscipe* and *for sceoma* moreover, under the uneasy consciousness of the nascent birth-pangs of a possible utterance like in its fashion and form to what he with the others had been listening to—like, yet different; and different mainly in the subject and in the treatment. I can imagine him, as the rhythm and the recurring letter-sounds throbbed in his still listening ears, involuntarily, almost unconsciously, laying word to word and cadence to cadence, and waking from his preoccupation to a startling consciousness that he too was unknowingly a Scóp, a shaper of thoughts in ordered words. I can imagine him at the accustomed time composing his limbs to sleep, and the refusal of his mind and his imagination besides to be composed in like manner; and if he actually made some verses in his sleep, he would not have been the first by many and many a one to do the same, and certainly not the first nor the last to remember some small part of his makings when he awoke.

And I think I can see him as he was taken to the wise and understanding Abbess when the discovery had been made; whether it had been made by himself or by some one else; that he, he too,—herdsman or *gebûr*, it makes not a pin of difference now,—was a maker of verses; that in his own home-sprung, home-like tongue he could frame them; that he could soar to the heaven above for his theme, instead of dwelling on fights on the earth or conflicts with dread creatures of the fancy in the waters under the earth. Well, then, I do not see him any longer so much as the kindly, gracious, earnest lady before whom he stands. I seem to see her features,—pale with the paleness of thought, and care, and fasting and much prayer, with her great share in the care of all the churches that were within reach of her fostering help, counsel, experience, prudence; pale with the anxieties of the nursing mother of the childling Christianity in and around Streoneshalh,

Hackness, and all East Cleveland,—flush up with a glad, hopeful thankfulness as she recognises the tool made to her hand for the more effectual working out of the great purposes she had so nearly at heart. A homely poet had arisen, who could frame his lays in the homely Anglo-Saxon speech, so as to be understood by the homeliest boor; marked, learnt, and inwardly digested by the plainest of those who yoked the patient Celtic-Shorthorn oxen, or guided the cumbrous, clumsy plough; or drank themselves stupid at the scot-ale, or church-ale, or bride-ale *gebeôrscipes* of the *tûn* or the *ham* they belonged to. I think I can see what would be the prevailing thought in her mind, and the ultimately prevailing feeling in her heart, and how, if she had put it into words then and there, no words that she could think of would be much more to her purpose than "Lord, now lettest Thou Thy servant go forth in peace: for mine eyes have seen Thy salvation which Thou hast prepared for these my children."

But yet another matter for a little thought and consideration suggests itself. Cultureless, sensual, degraded, animal-like as we have seen but too much reason for concluding the rank and file of the Anglo-Saxon community, —the actual hand-workers of it, at all events—to have been, how was it likely, how was it possible even, that one like unto Caedmon should have risen up from among them? How came he to have the finer temperament, the preference for the non-sensual, for the spiritualised rather than the animalised, the mastery of mind over matter? whence came the power, or even the bare idea, of attempting so to "lisp in numbers"?

Here I could be well content to extract certain paragraphs, if not even whole pages, from Mr. Stopford Brooke's remarkable book on *Early English Literature*—that part of it, namely, which deals with Christian poetry and Caedmon's share in it especially. The beauty of his style is so great, and the imaginativeness of his descriptions so taking, that it is hard

to be recalled to the contemplation of things as they were. He speaks of "the influences which bore on Caedmon and nourished his genius." "The actual poetry which we have in Caedmon," he writes, "does not belong, I think, to the inland moorland, but to the coast. . . . A large number of the monastic centres of the seventh century were situated on the sea. Each sat on its promontory 'stern and wild,'

meet nurse for a poetic child.

They looked alike on the solemn moorland and on the roaring sea. From Coldingham, from Lindisfarne, from Tynemouth and Whitby, the moors, divided by brown and rushing streams, stretched inland league after league, and filled with their mystery the Angle and the Scot. On the other side was their daily companion, the changing sea. . . . All the nameless passion of the sea and the stormy sky, of the loud winds and white horses of the deep, of the black clouds and the red lightning, entered day by day into the life of those who watched the business and fury of the elements from the edges of the cliffs; and the watchers were men and women who had received the impress of the sea and its love, not only from their Teutonic forefathers, but from the Irish, whose tales are full of the great waters, and who were as much children of the billows as Beowulf and his men."

But there were other "impulses" and "influences" still which this eloquent writer assumes to have "borne on Caedmon"—influences and impulses which, according to the tenor of his pages, we can hardly dissociate from almost habitual intercourse with the great and elevated and learned *habitués* of the monastery. True, he supposes Caedmon to have been "probably a heathen" originally, and that "as a secular servant of the monastery he belonged to the little fishing hamlet which lay at the foot of the cliff; or that he accompanied Hild as a retainer from Hartlepool."

The baptism of Hild by Paullinus, the familiar "glory of the great King Eadwine"; his reburial at Streoneshalh, making Whitby "the Westminster Abbey of Northumbria"; the burial of King Oswiu, and perhaps his queen Eanfleda, in the same church, over whose tombs, great princes as they were, "shone into Caedmon's eyes the national glory of Northumbria." And "still deeper probably was the impression made by the continual residence of Ælfleda, whose life in the monastery was bound up with the great victory of Winwæd. . . . Nor was this all; Oswiu and the princes of Northumbria were frequently at Whitby, and with them may have come at one time or another Ecgfrith, who in 670 came to the throne of England when Caedmon ascended the throne of Poetry."

Now all this, imaginative as it is, and poetically put, does not commend itself to me as consistent with what we know of the facts, or what is the equally certain aspect and condition of the times. But there are other matters still in which I find myself compelled to dissent from the views put forward in this almost fascinating book. At p. 64 in the second volume, I find the following deliverance of view: "The mixture of races in Northumbria on which I have dwelt was not, I should think, personally represented in Caedmon. It is not likely that the family of one who lived in the midst of the east coast of Deira had anything to do with Cymry or Pict or Irish. But of course the whole influence of the Irish spirit, thrilling with the emotions of Christianity, was continually around him. It was the spiritual air that he breathed." Except as regards the influence of the Irish (or, as usually called, Scotch) spirit, I am unable to assent to these views of Mr. Brooke's. What he thinks not likely I, on the contrary, look upon as much more than merely likely. I do not look upon it as probable, or even possible, that so clean a sweep could have been made of the entire Celtic population which, every smatterer in archæology

knows, possessed this whole district into and after Roman times, as that no traces even of its admixture with the races that later still became dominant were likely to occur. I flatly disbelieve in any such clean sweep; and even if I could admit its possibility, I should still fail to see how either "Cymry, Pict, or Scot" was to be kept out: but in fact we know that they were not excluded.

There is, however, another matter which is overlooked by any one who makes or maintains the theory that Caedmon was personally unaffected by the mixture of races in Northumbria. His very name—what of IT?

Divers attempts have been made at divers times and by divers derivationists to explain this name, which of course, like all other old names, must have had its meaning. But all of them, from the Hebrew to the Anglo-Saxon, have proved to be halting, limping, stumbling guesses. A reference of the name to Cymric sources, however, almost if not quite certainly dispels the difficulty. Mr. Henry Bradley's views on the question will be found in the Dictionary of National Biography, and I am permitted to quote the following from a letter of that gentleman's (an old personal friend) now lying open before me: "My notion about Caedmon is that it is probably the Celtic name Catumanus; in modern Welsh, Cadfan. Caed or Cead in Old English names occurs in Ceadwalla, which is known by external evidence to be a British name; and in Ceadbead, which is pretty certainly of British origin. These are the only instances, except Ceadda, which is probably a 'kurzname' for Ceadwalla, or some other name of Celtic origin. I was gratified to find that York Powell had independently arrived at the same conclusion, though I don't know that he has printed it anywhere."

This letter was written in January of last year, and a few days after I met Mr. Powell, who, in answer to my question, "What do you make of Caedmon?" replied immediately in the words, "A Welshman."

It is not simply that this conclusion is one of great philological interest; there is something more than that involved. There were things, Mr. Stopford Brooke says, in Caedmon's daily and continued life-experience which "would work even on a stupid soul; they would certainly work on one in whom abode, though as yet in slumber, the spark of genius." But what if the soul, so far from being "stupid," was a soul in which dwelt the Celtic temperament, to which fervid imagination, vivid fancy, were not only no strangers but as native inhabitants? What if we are permitted, nay, constrained to think of the man as one in whose veins coursed the blood of the race which furnished forth the bards, the minstrels, the harpers, who were, in fact and effect, such mighty as well as sweet singers, able to stir the pulses of their countrymen with the force of their lays, with the fire of their chants, and to send them to dare and do and die, if need were, under the strange energy and inspiration of their bardic craft?

To myself, I confess, the suggestion comes as one almost of enlightenment as well as confirmation, in a place where both were felt to be needed.

MYTHS, LEGENDS, AND TRADITIONS CONNECTED WITH WHITBY (*continued*)

b. THE HORNGARTH

THE inquiry touching the Horngarth is of a very intricate, difficult, and perplexing character. It is true it has hardly been dealt with, on all occasions or by those who have written about it, as such, but has rather been disposed of in a summary, non-questioning, and debate-forbidding manner; as any one may see who reads what is written in popular histories, hand-books, and guides. This is natural enough for such as like to take their history ready-made and without reference to the actual sources of the history themselves, or without making trial of the competency of their authorities, or the authenticity of the statements made by them.

A case in point presents itself to our notice at the very outset of any real inquiry into the origin or the nature of the Horngarth itself; for Charlton, at p. 96 of his *History of Whitby*, both misunderstands and misconstrues one of the earliest and most important sources of information touching the "service" in question. What the charter he is dealing with really says is that Abbot Benedict (who was Abbot for ten years, and died in 1148) granted the vill and manor of Dunsley to William de Percy (son of Richard de Percy, who was the founder's third son, and the original grantee under the Abbey) in fee and hereditary possession, permitting him, however, to commute the various services due from him thence

to the Abbey, the Horngarth only excepted, for two marks annually. But the Horngarth was to continue to be made in such proportion as appertained to his, William de Percy's lands (*ad suam terram*). Charlton translates this as "the redemption of all service belonging thereto except making up as much of the Horngarth as pertains to this land." The substitution of "all" in the first place and "this" in the second for the personal pronouns *sui* and *suam* is a bad blunder from any point of view, schoolboy's or student's, but especially so for any one who knows or cares for no other authority save Charlton, or Charlton's like.

There is some uncertainty as to how Dunsley came into the hands of the Percies—that is to say, the founder and his son Alan; as there is in regard to the lordship or possessorship of most of the other Whitby lands which were *not* Percy lands in the time of Domesday, but *were* Percy lands at the date of the Foundation. Thus, Dunsley was a part of the Terra Regis in 1086-87; but before the time of the William de Percy, son of Alan and grandson of the founder, or in the time of Henry I., it had become Percy land.

But whatever uncertainty of this kind there may be, there is none as to the fact that, at the time of the Domesday Survey, Dunsley was returned as comprising three carucates; and three carucates there was no mean fraction of a "knight's fee"; and the "service" due from the *tenens in capite* on such an extent would be far from inconsiderable.

With the sanction of both the Conqueror and his son, the Red king—for both of them confirmed the Percy grants to the Abbey—this territory was made over, with its dues and with its rights, to the Abbot; and whatever became of the military duties, or services, of which nothing will be said here, the said dues and rights were, like the territory, far from inconsiderable; and besides that, they were of sundry and various kinds. All these the Abbot and Convent permitted, first, Richard de Percy, third son of the founder, as has been

said, and second, his son William, to enjoy in consideration of the commuted payment of two marks by the year: the one exception as to commutation being the Horngarth; which service was to be made or done or rendered according to the actual extent, whether by estimation or valuation, of the Dunsley territory. This is what is not brought out by Charlton's mode of dealing with the matter.

But neither is the fact, which by no means ought to be lost sight of, and much less ignored or blinked, that William de Percy, son of Richard (the first de Percy of Dunsley), held the territory on the same conditions as his father had done; and that is, subject to the Horngarth service. But this brings us to the beginning of the twelfth century at the latest, or some two hundred years anterior to the era of the actual or realised feudal manor.

In trying to deal with the general subject of the Horngarth, the best method of procedure will be to pass in review all that we really know about it from actual historical details or references.

Clearly we have thus at once to try and discriminate between what is historical and what is not; and necessarily we are met, at the very outset, with the question whether or no the generally assumed connection of the so-called Penny-hedge with the ancient Horngarth is a real one, or only dependent on mere assumption.

The most recent professedly "historical" reference to the subject is that made by Charlton in his *Whitby History* (p. 125), wherein he states that "in these our days a printed paper is, and has been for time immemorial, handed about and sold in the town of Whitby, relating a transaction that is said to have happened in the year 1159. As no copy of this paper is to be found among our Abbey records, or in any written deed now extant, it will be very difficult for us to trace it to its original. Most probably it has had its rise from the making up of the Horngarth." Farther on, he

proceeds, "We shall beg leave to present the reader with an exact copy of this extraordinary paper," and he does so in the hackneyed form of the legend, as always told.

Nevertheless, he makes no attempt whatever to "trace it to its original." Either the "difficulty" he alleges was insurmountable, or, more probably, he saw no occasion to try and overcome it. This historian's statement, then, amounts merely to this: that there was, or had been no long time since, a printed copy of the story, of a certain very measurable antiquity (for "from time immemorial" in relation to a "printed paper" is necessarily mere vague, meaningless phraseology), but that there was no extant authority whatever for its authenticity or that of its contents.

Neither Charlton himself, nor his much abler and more trustworthy successor, Dr. Young, strange to say, dwells upon or even adverts to this most fatal objection to the historical validity of the circumstances alleged as facts in the narrative referred to. Certainly both of them expose the distinctly unhistoric nature of the statements delivered; but both equally fall into the gross mistake of connecting the fictitious Abbot's name—Sedman—with the poet's name, Caedmon; overlooking or probably being ignorant of the fact that the initial C in the latter name was, to all intents and purposes, a K, and that, consequently, there was no more connection between the two names than there is between that of the captain who headed the Revolt of Kent in 1450 (John Cade) and our common English word "seed"—a circumstance quite sufficient almost to date, and fully to expose, the precious farrago of rubbish they were commenting upon.

Thus we see that the historical value of this "printed paper" of Charlton's is absolutely *nil*, though it seems to establish the existence or continuance of the making of the Horngarth in some shape or form at the period of its own date. As to that date, I think we may very safely set aside Charlton's attribution of it to a "monkish origin"; he speaks of its

author at p. 130 as "some conceited monk," and of the tale itself on the following page as a "monkish legend." On the slightest consideration of the facts, this is seen to be impossible as well as absurd; and there can be no difficulty about claiming for it a very distinctly post-Dissolution date. By far the most probable surmise is that it owed its origin to some professional story-teller; as, there can be no doubt, did the Henry the Eighth legend of "Stormy Hall" at Danby, and that of the "Beggar's Bridge" at Glaisdale. It would thus date from the time when the said "professional" told stories which were dressed up with local colouring, and introduced personal and local names, in order to pay for his supper and his night' lodging. Some with whom I have spoken on this topic have proposed to set this professional's date about the beginning of the sixteenth century: others, with whom I am more in accord, prefer to make him at the least continue until after the close of the reign of the eighth Henry, or from the middle to the end of the century named. And with this, it may be added, agree the other colourings and characteristics of the story.

That the story originated with some person or persons utterly unacquainted with the real history of the Abbey, if not with actual history generally, we may judge from the ignorance manifested of the fact that, at the date alleged, the forest of Whitby was a Royal forest, and by no means in the tenure of the Abbot. It had been ceded (and no doubt for a consideration; of which more in another place) to King Henry I., and was not restored or re-granted to the Abbey until John had been some time king. Consequently they who hunted the boar or anything else in Eskdaleside would have had, not the Abbot of Whitby, but the king himself to reckon with. The same want of historic knowledge is also shown by the inventor's manifest ignorance of what a hermitage, at the date assigned, really was; of the functions of the hermit or hermits, and of his or their relations or connection with the Abbot.

For my own part, I put this printed paper story down as

later in date than the questionable entry on the parchment fly-leaf at the commencement of the Abbot's Book [1] or Whitby Register, which, as being of some importance, I quote below at full length.[2] Mr. Charlton, on the contrary, puts it before the same, founding mainly, as it would appear, upon what may have been merely the formal proclamation of the making of the hedge or "garth." And he adds: "By the blowing 'oute upon them' it appears that our legend was now invented." [3]

[1] The Abbot's Book in reality is a Chartulary of the Abbey. It contains a large number of copies, made (as the writing shows) at different periods of the Abbey's being, and made with care and fidelity, as comparison with the other known compilation of the same sort, now in the British Museum, sufficiently shows. The earliest writing in it is probably not later than 1170 to 1180, and is of an historical nature, but the greater proportion belongs to the thirteenth century; while some few pages do not antedate the Dissolution by very many years. It is not easy to overrate the importance of these two Chartularies, or their value to any student occupying himself with the ancient history of Whitby.

[2] "Everie year the Horngarth service ys to be doone upon Hollie Thursday evne.

Tho. Cockrill being baylyf to the abbot did meete by sonn Rise the Conieres, the Strangwayes, the Eldringtones, and Allettson, who weere bound to this service, in the Strye-head hard by Lyttell-beck, and the said Cockrill did see every one cutt downe with a knyfe, he appoynting the wood, so muche as should serve. From thence they caym not the nearest way, but brinnging theym upon theyr backe, went a good way before they caym in to the way. So comminge to the water at the towne end they maid the hedg which should stand three tydes, and then the officer did blow owte upon they."

[3] There is yet another consideration, and by no means an unconnected one, which is suggested by what is stated by Jamieson *sub voce* HORN. "To put to the horn," he says, "is to denounce as a rebel; to outlaw a person for not appearing in the court to which he is summoned. . . . The phrase originates from the manner in which a person is denounced an outlaw. A king's messenger, legally empowered for this purpose, must give three blasts with a horn, by which the person is understood to be proclaimed rebel to the king for contempt of his authority. . . . This form of denouncing rebels was most likely introduced into Scotland from the ancient mode of raising the hue and cry. In this manner at least was the hue anciently raised: 'Gif ane man findes ane theif with the fang doand him skaith; incontinent he should raise the blast of ane horne upon him;

Any one acquainted with Blackstone's statement that "Hue and cry (*hutesium et clamor*) is the old common law process of pursuing, with horn and with voice, all felons and such as have dangerously wounded another," or with the Middle English "howtyn," to cry aloud, may possibly suspect alike the origin of the "owte upon they" of the fly-leaf entry under notice, and the fact of its dependence upon the mysterious "printed paper" story.

I have printed the entry as it stands on the fly-leaf in the Abbot's Book in the *Whitby Chartulary*, p. 341 (vol. i. near the end), and I have appended the following note: "This is an entry, one of two, on the reverse of the fly-leaf of parchment at the commencement of the volume. It is in a hand as late perhaps as the end of the sixteenth or the early part of the seventeenth century, and its only value rests on the testimony it bears to the fact that, at the date at which it was written, the Horngarth service had become little or nothing else than a mere empty or purposeless ceremony." If I had had the same object as in this present writing, I might and should have added that all the persons named in the entry under notice are also named as holding office, lands, or tenements, lately those of the not long since dissolved Abbey of Whitby, in the year 1540-41. Thomas Elryngton holds the manor of Ugglebarnby; Thomas Cockerell and his son, like-named, hold lands in Sleights or Eskdaleside, etc.; James Strangwayes, Esq., holds lands in Sneaton and elsewhere; Conyers, several of the name, but especially George and James, hold in Stakesby, Ruswarp, and so forth; while Alletson, Alatson, or Allettson (two of them) are holders or occupants in Filyng

and gif he has not ane horne, he should raise the shout with his mouth; and cry loudly that his neighbours may heare.'" Three blasts with the horn to proclaim the defaulter, and, failing the horn, three cries, clamours, Middle English "howtings"; but always if possible the three "blasts" with the three "howtes." It is easy to see how, given the making of the story or legend, the "horn" and the "out upon them" found a door of admission.

and Filyng-Raw. Give this fact due consideration, and the coincidence of these names, both local and personal, is tolerably decisive as to the approximate date of this fly-leaf entry. It must have been written before the first generation (so to speak) of the holders, into whose hands the late Abbey lands had fallen, had had time to die. The entry is necessarily either made by a person duly authorised to insert such entries, or it is intruded by one possessing neither right nor authority so to act. In the former case it would be made before the Dissolution, however short a time before, and would be authentic, as far as it goes. If made after the Dissolution, it might be made by any person into whose hands the manuscript volume had fallen, and would then possess no authority at all. In either case, however, it at least affords tangible evidence that the Horngarth, absolutely so called, was still made during the first half of the sixteenth century.

But further. It will be well to note with some precision the lands which are connected with the personal names just now mentioned, the occupants of which we have, in some measure, thus been able to identify. They are principally in Eskdaleside, Sleights, Ugglebarnby, Sneaton, Stakesby, Ruswarp, and so forth.

Next let us notice that, in the year 1351, a certain William Page, and others named as members of and acting on behalf of the Community (*Commonalte*) of Whitby, contested (among other matters) the exclusive right claimed by the Abbot and Convent of Whitby to pasturage within the *campi* or common-fields of Stakesby, Newham, Larpool, Whitby-lathes, Lathegarth, and all land within the Acredike in the said vills; and that, in the issue, they fully acknowledge the fact of the Conventual right so claimed. Furthermore, in the year 1354, or three years later, Alexander de Lith drops all personal actions instituted by or through him against the Abbot and Convent, and at the same time releases and quitclaims to the same all right and claim which he had, or might possibly have

had, to common of pasture within the Acregarth in the vills of Whitby, Stakesby, Newham, Priestby, Soureby, Risewarp, Filyngs North and South, Stowpe, and Hackness.

Now, the lands thus specified are, except only the newly-introduced Hackness, substantially identical with those previously mentioned in connection with the contested claim of three years earlier, and with those named in the Horngarth entry on the fly-leaf of the Abbot's Book, which we identified by aid of the personal names involved in the same entry.

Moreover, it is abundantly clear that the terms Acredike and Acregarth are synonymous and interchangeable, and that the meaning is that of an enclosing fence, while the employment of the two terms is expressively instructive if we give due attention to the force of the words employed. A dike is an earthen bank, or a bank of earth and stones combined; while in the later Norse (or Icelandic) a *garth* is a fence of any kind,—earth, stones, turves, posts and rails; for all are specified in the explanation of the word as given. The employment, then, of the two words each to express or convey the same idea, or the idea of the same object, shows the compound nature of the object denoted—earth or turves below; rails or brushwood, or any so-called dead hedging on its crest.

Whether we are ready at once to admit the identity of the Acredike or Acregarth with the Horngarth or not, surely one thing is made sufficiently clear, and that is the meaning of the element "garth" in the compound word Horngarth. Still it is necessary to dwell upon this question for a space, because there is such a perplexing uncertainty in the words, if not in the minds, of all who have taken in hand to write about the Horngarth, as to what the *garth* element of it really was. Thus, Charlton at p. 96 says: "The Hornegarth seems to me to have been a certain stake and yether hedge, made up in the beginning of summer. . . . It seems to have been intended for a landing-place in that port." And again, at p. 128 he writes: "While there was a harbour, and any use made thereof,

it was necessary that some part of it should be properly secured, so that vessels might be built, repaired, or laid up therein, and all kinds of merchandise or goods safely imported and exported. Now this could not be done without having a garth formed by a good fence, wherein fish might be dried and other articles deposited without any danger of being injured by horses, cows, sheep, goats, dogs, or any other kind of animals." And to give but one other instance of this mental confusion between the enclosing fence and the space enclosed and the consequent inconsistencies and contradictions it introduces, in Horne's *Whitby Guide* it is written (p. 18): "The Horngarth, therefore, must have been some garth, yard, or enclosure, fenced with wood, which the Abbot's homagers and tenants, at least such as were near Whitby (!), were bound to repair every year; and it probably received the name Horngarth from their being assembled for that purpose at the blowing of a horn. What was the use of this garth it is not easy to describe. Perhaps it was the Abbot's coal-yard, where the coals for the monastery were delivered and laid up."[1]

Not a few other accounts and "histories" of the same character might be alleged; but all the *soi-disant* "authorities" responsible for them confuse the true idea of the old word *garth*, meaning fence, with the modern idea of that which is

[1] This is almost immediately followed by the following gratuitous and equally unsupported statement that "it appears that long before the dissolution of the monastery the use of this garth was superseded by the erection of better yards and more substantial warehouses. Yet the Abbot and Convent, ever jealous of their rights, still compelled such of their tenants as did not purchase an exemption, to continue this annual service, or at least the semblance of it; and thus the shadow was retained while the substance was gone." There is actually no scrap of authority for any one of the statements made, or the assumptions implied, in the foregoing paragraph. The "superseding" of an imaginary "garth, yard, or enclosure" is in itself surely imaginary. The "better yards and more substantial warehouses" are equally so. The compelling of the tenants who did not "purchase an exemption" is, as a duly supported historical fact, as much a bit of moonshine as the asserted purchasable exemption itself.

included or fenced in by the garth itself, the area enclosed, in other words; and hence they blunder on and on perpetually and hopelessly.

It is scarcely possible, if we wish to form a true notion of what the Horngarth service really was, to lay too much stress on the point that the actual and philological meaning of *garth* in both Acregarth and Horngarth is *fence*, whatever the material employed in making it—earth, stones, wood, hedging-stuff, or what not—and *fence* only; and even, I think, it might be insisted, without the idea of enclosure implied. The *garth*, whether an enclosing garth or no, is a *garth* or *fence* still. And the common-sense meaning of the words employed is and must be consistent therewith. One can talk reasonably of "making up" a fence, or so much of it; but hardly so of "making up" an area or superficial space. That is made up of, or by, so many square feet or yards, perches or roods, furlongs or acres; but not by turves or earth, rails and stoups, or brushwood. And consistent with this are both the idea and the action involved alike in the name and the fact of the somewhat farcical survival, as it is practically taken to be, of the Horngarth, which is described as "the making" or "the setting of the Penny Hedge."

Understood in any other sense than that advanced in the foregoing paragraphs, such memoranda as those contained in the document headed "Memorabilia inter Abbatem de Whitby et Alexandrum de Sneton" become nonsensical and unintelligible. It appears from the Fourth Article in this document that Alexander's *homines* or dependants had been in the habit of cutting down and taking away more of the Abbot's wood than was requisite for the actual and sufficient making of the Horngarth, and selling the surplus for their own profit; and, according to the new arrangement or settlement, this was for the future to be obviated by providing for the delivery to them, at the hands of the Abbot's own people (*ministri*), of such a quantity only of wood as was judged by the said

ministri to be sufficient for the adequate making of the Horngarth; and any consequent defect in the "garth," should such occur, in the case of too little wood having been supplied, was to be considered as attributable to the Abbot and his men, and not to Sir Alexander's *homines.*

Of course, there is but one way in which this is to be understood; and it is quite decisive as to the nature of the *garth*—that it was a fence, namely—and equally so as to its quality or dimensions. These *homines* could hardly have got into the habit of selling a few spare sticks only, and those, moreover, the surplus of a small supply taken: nor, indeed, could such sale have been made, or even twisted, so as to assume the semblance of a substantial grievance. Surely it is tolerably evident that the quantity of wood taken and used in the making of the *garth* or fence must have been sufficiently large, when even the surplusage afforded an opportunity for some considerable peculation.

But it should be carefully observed here, that the relations between the Abbot and Sir Alexander de Percy had been very seriously strained, this matter of the Horngarth roguery forming but one of the points at issue between them. The evidence in support of this assertion is very abundant and equally clear and direct. The document just now referred to under the title of "Memorabilia" between the two parties named, contains no less than eight "articles" relating to matters which had been subjects or sources of debate and contention between them; while a cyrograph dated 16th January 1307 [1] (*Whitby Chartulary*, ii. p. 415) testifies to the settlement of a controversy between them, and to the relinquishing by Sir Alexander of all actions brought by him against the Abbot, whether in the King's Bench, or of any other nature.

The fact was, that Sir Alexander had been a ward of the Abbot's, and for a period of several years. On the termination of the wardship or guardianship, de Percy accused the

[1] Almost certainly, it should be 1305.

Abbot of mismanaging his estates during his minority, and indeed of something worse still,—of what, in fact, amounted to malversation and peculation.

But there is no need for us to trouble ourselves over the rights or wrongs in the case; and the matter is not mentioned here with any such intention. The fact of the wardship alone has any concern for us. "If the heir were under age," says Sir Frederick Pollock (*Land-laws*, p. 62), "the king or other lord became the guardian of both the heir and the estate, and rendered no account of the profits, and on the heir's coming of age a fine was payable to the guardian for quitting the land. This privilege of the lord, in many cases a highly lucrative one, was called wardship." We can easily see how this relationship between the Abbot and Alexander de Percy may have led to many complications and much unpleasantness. But what we do not see so easily is how it was that the Abbot came to have the wardship in this particular case. For the fact that Sneaton was a part of the "fee" of the Abbot hardly affords a full explanation of the fact that the Abbot was in the possession of the rights of wardship over the young Alexander when his father died and left him a minor (age fourteen) in 1294-95. Certainly his case is the only case of the sort we hear of in connection with the Abbot of Whitby; and the exercise of what was usually the king's right in the case of his tenants *in capite*, or that of the greater lords (possibly by permission of, or deputation by, the king in the case of their subinfeudatories), by one who was an ecclesiastic and held by frankalmoigne, and not a lay lord, seems to call for comment and inquiry.

But we shall not pass very far in the track of inquiry before we come upon the fact that the Abbot had the said right in virtue of the "forinsecum servitium quod dicitur Horngarth"[1]—the extraneous or forinsec service which is

[1] It is somewhat difficult to find a satisfactory rendering for the phrase "forinsecum servitium." The translation adopted by some is "foreign service," which, bearing in mind the set of ideas always associated with

called the Horngarth—which was due to him among other *servitia* in the lands wherein the said service is incident. In an "Inquisitio ad quod damnum" taken at Whitby in the year 1325-26, to ascertain whether it would be to the damage of the king or any one else if Gawayn de Thweng, parson (that is, rector) of Lythum (Kirkleatham), is allowed to assign a certain messuage, 6 tofts, 10 bovates, 18 acres of land, 3 acres of meadow, 160 acres of wood, 12s. 6d. of annual rent, and half a toft, in Dunsley, to the Abbey of Whitby, which several lots are held of the said Abbey "per homagium et fidelitatem et per forinsecum servitium quod dicitur Hornegarth," it is immediately thereafter added "quod quidem servitium de Horngarthe tribuit wardum et maritagium eisdem Abbati et Conventui cum acciderit" (which service of Horngarth confers on the said Abbot and Convent the right of wardship and marriage whenever it befalls).

Now this is not only a very curious and interesting statement, but to one who wishes to enter fully into the history of the Horngarth, and to arrive at sound conclusions as to what its nature and characteristics really were, exceedingly instructive. For assuredly it ceases to be anything that could be adequately kept in mind even, and, much more, intelligibly represented, by the sticking in of a few sticks, as according to the Penny Hedge farce. On the contrary, it is something of such dignity, of such weight and importance, that there is no place beside it for the prerogative of the over-lord or even of the king himself. It is the Horngarth itself, or at least the Horngarth right, which conveys and bestows the right of wardship

the word "foreign," is misleading as well as unsatisfactory. The ordinary *servitium* was that which was due, or was rendered, to the lord from or out of the lands of the home lordship or manor itself. The *forinsecum*, on the contrary, was what was due and rendered to the said lord from or out of lands not within the limits or boundaries of the home or domestic manor or lordship. "Extraneous" expresses this badly, but better than "foreign" does. "Forinsec" is better still, and is now adopted by the best authorities.

and marriage. And it seems absolutely clear that such conditions are not in any sense "manorial" in the later sense of the word, or dependent on the manor as the "manor" became eventually developed and disposed.

This is certainly a strong commentary upon a sentence from one of the latest and most far-seeing writers on the subject of "The English Manor" (Dr. C. MacLean Andrews). At p. 146 we find him saying: "There certainly has been too strong a feeling among scholars that the Norman Conquest was a great economic dividing line, and that the condition of local life found in the year 1000 was of no practical importance in understanding the latter economic history. . . . For we have," to quote further words by the same writer, "now discovered that the manor grew according to some definable process from primitive conditions, and that it did not cease to undergo change and modification with the year 1000"; and thus, in the matter of the Horngarth, we must clearly look for an origin in the years preceding—almost certainly *far* preceding—the year named, and not in the years later, and least of all in the years as late as even the commencement of the thirteenth century.

In the way of a brief *résumé* of the historical notices of the Horngarth as they are given us in the various ancient records connected with Whitby, I will first of all mention that, quite early in the century last mentioned, Roger Burigan or Brun, father-in-law of Henry, son of Simon Escrop, le Scrope, or Scrope (of the family who became afterwards the Scropes of Bolton and Masham), conceded and confirmed to Abbot Roger a bovate of land in North Fieling, but undertook himself to make good the "firma et servitium de Hornegarth" to which the said bovate was liable, as well as all other services thence due, out of the rest of his tenement in the vill aforesaid. From several other like sources we know that the Horngarth service was incumbent on the Fyling lands, and from a charter of Alan de Percy's (son of the founder) we know that the

Fyling lands (both North and South Fyling), together with Normanby and Hauchesgard (Hawsker), became part and parcel of the endowment of the Abbey through the channel of purchase from Tancred the Fleming effected by William de Percy, first Abbot of the monastery, ratified and confirmed by Alan de Percy himself. This was as early as quite the beginning of the twelfth century, probably before the year 1110. And as we are quite certain that the Horngarth service was not imposed on these lands subsequently to this purchase, the equally certain deduction is that Abbot William bought the vills named subject to this "firma et servitium."

Again, within thirty years of the same date, Abbot Benedict granted Dunsley, in hereditary fee, to William de Percy, grandson of the founder, in succession to his father, Richard, who had been the first grantee (*c.* 1095) under the Abbey; the annual acknowledgment to be paid by him being two marks, in redemption of the various services due from the vill, excepting only the Horngarth to the extent to which it was due, or incident on the lands concerned.

Yet again, Richard, the second Abbot of that name, who succeeded to the dignity in or about the year 1176 or 1177, grants and restores in hereditary fee to William de Everley, the vills of Ugglebarnby and Everley, the acknowledgment to be rendered by the grantee being eleven shillings yearly, with certain boon-services to be performed with a given number of men from each of the two vills, and to make his due or proper proportion of the Horngarth in the accustomed manner.

Now these are very early instances of the existence and incidence of the service in question, and, admitting that, when Abbot William acquired the Fyling territory, that territory was as much subject to such service as to the other services due and exacted within its limits, there is no reason whatever for questioning the conclusion that the Horngarth service was of earlier date than the reconstituted and re-endowed Abbey

itself, or that, in other words, it must date back to pre-Conquest times.

And indeed there should be no more difficulty in admitting this than there is in admitting that all the other services, demands, exactions, of whatever nature or kind, of which mention, or to which reference, is made in these elder documents, had existed in pre-Conquest times,—a conclusion to which few can be found to object at the time in which we live.

And it is here that our knowledge of pre-Conquest services, customary payments, dues, what-not, stands us in good stead for our, at least, inferential instruction in the matter of the Horngarth service.

But before we proceed to the comparison or collation thus suggested, it may not be amiss to remark that the term "Horngarth" itself is essentially a pre-Conquest term. I mean that, on analysis, it is seen to be "Old Danish" in both its parts. Touching the part or element "garth" it is unnecessary to repeat what has been already said, a little above, relatively to its source and meaning. It is simply an Old Danish term which conveys the meaning "fence," of whatsoever materials, and in whatsoever manner, constructed. But the first element is no less Old Danish than the second; and its meaning is simply "cattle, horned stock." Thus, the Swedish Dialect Dictionary gives as the second meaning of the word *horn*, as "*horn-boskap*," a word which is literally translated by the English phrase just employed, "horned stock," or oxen, bulls, and cows; while in Old Swedish, not only does *horn* signify horned animals or oxen, but the phrase *horn och hof* (horn and hoof) denotes oxen and horses collectively. The compound word *horngata*, also, is the way or track along which the creatures in question are driven or proceed; while the Anglo-Saxon *horngild*, meaning the tax exacted on horned stock, is quoted by the Swedish Lexicographer as illustrative of the word he is explaining.

The pre-Conquest meaning, then, of *horngarth* is most clearly "horned-stock-fence"; a fence, namely, that would turn oxen and cows.

Thus confirmed in our view that the Horngarth itself is of pre-Conquest origin, let us turn to the sources of information just now adverted to.

There is a remarkable document which is justly assumed to date from the tenth century, and its Latin translation to the thirteenth, which is entitled "Rectitudines Singularum Personarum," or the services due from each several person in the community connected with the land. It begins with the *thegn* or thane, and proceeds with the *geneat*, or, as he was called in later times, the villein or villain. Third comes the *cotsetla*, cottar or cottier; and after him the *gebûr*[1] or husbandman; and beyond this, for our special purpose, we need not proceed. To us any notice of what is said about the oxherd, cowherd, shepherd, goatherd, and so forth, is quite unnecessary.

As to the services for which the Thegn was responsible, at least so far as they are limited by the scope of the present inquiry, they were not the same on all lands, or estates (if that phrase be preferred); but on some, among the exceptional services specified, is "deer-hedging at the king's command." What the precise nature or object of the *deor-hege* actually was is only conjectural; but doubtless, says Dr. Andrews (p. 127), "it involved the construction and maintenance of the fence or hedge surrounding the king's hunting park. This, we know, was of so great an extent that it was often contiguous to or even embraced

[1] There is a difficulty about fixing the precise meaning of the word *gebûr*, and it has been the subject of much discussion, as well as a rather wide diversity of opinion. Perhaps the prevalent view is that the *gebûr* was the representative of the main body of Anglo-Saxon men who were bound to the tillage of the land. "Husbandman," from this and other considerations, seems to be a fairly satisfactory as well as reasonable equivalent.

portions of land held by large numbers of the country Thegns."

As to the services due from the *geneat*, we may note that one of them was to do a share in making the *deor-hege*, by hewing and setting the stakes and other wooden constituents; to keep ward of the said hedge when made; or, in other words, to see to its being kept in a state of repair, whenever and wherever necessary; as well as to build and maintain the hedge or fence around the *burh* or manorial dwelling and its outbuildings.

The *cotsetla*, or cottar, was, whenever bidden, to acquit his lord's "inland" or demesne lands of certain important services—that is to say, if the lord desired or required him, he took upon himself certain duties which belonged to the lord as holding his land by charter; and among other things, was the service of working at or upon the king's *deor-hege*.

Even if my space allowed me to quote in full the passages from which the above notes are extracted, it would still, I think, be difficult to overlook entirely the repeated mention that is made of hedge-making, which, as we have seen, forms the staple of the selections just actually given. The Thegn was answerable to the king in certain cases for such and such proportions of the specified work; he had to make or cause to be made so much of a hedge or fence. But to himself were answerable those who lived under him or held land of him; and not merely for one kind or class of hedging, but for diverse kinds. The *geneat* must make and repair the deer-hedge, and must also, in his own proper order and proportion, sustain the fence of wood, living or dead, with which the *burh* itself was protected; in short, he must do the "tyning" or fencing-in with stoup or stake, and wattle or brush, which constituted the *tûn* so familiar in our English ears as the final syllable in so many of our commonest place-names. Again, the simple cottar—the holder of a cot only, with four or perhaps five acres of the soil—must also at his lord's behest

give his service at the rearing and maintaining of the royal deer-hedge.[1]

[1] That hedge-work was very real work may be seen from the following extract from Fitzherbert's *Husbandry*, p. 79: "Thou muste gette the stakes of the harte of oke, for those be best; crabtre, blacke-thorne and ellore be good. Reed wethy is beste in marsshe ground; asshe, maple, hasel, and white thorne wyl serve for a time. And sette thy stakes within ij foote and a halfe together, excepte thou have very good edderynge and longe, to bynde with. And if it be duble eddered it is moche the better and gret strength to the hedge, and moche longer it will laste. And lay thy small trouse or thornes that thou hedgest withal over thy quickset, that shepe do not eat the spring nor buddes of thy settes. Let thy stakes be well driven that the point take the hard erthe. And whan thou hast made thy hedge and eddered it well, than take thy malle agayne and drive downe thy edderinges, and also thy stakes by and by. For with the wyndynge of the edderynges thou doost leuse thy stakes; and therefore they must nedes be driven newe, and hardened agayne, and the better the stake will be driven whan he is well bounden." Perhaps too it may aid in the conception of what an ancient *hege*, *haga*, *haya*, or hedge, was if I mention a local feature of that description still extant—at least, in part—in this immediate vicinity. I call it ancient, for it is known to have been in being in the year 1119, and the safe presumption is that, even then, it was not of recent origin. Its name was *Ernaldi haya*, but who or what Ernaldus was,—except that he was the holder of a great estate, and much given to what we should call "public works," for he left a *semita* or public road or way such as roads or highways then were, also named from him "Ernaldi semita,"—we do not know. But his *haya* remains, as far as the bank part of it is concerned, extending to a length of scarcely less, and perhaps more, than two miles. The bank is still more than 5 feet in height, and must originally have been at least 6½ feet to 7 feet high, by a basal width of not less than 12 feet. This gigantic bank was of course topped with a fence of wood,—a "dry fence," in our terms. It begins at a water-course and stretches its huge length along until it comes to a place where another and smaller water-course comes in, partly oozing nowadays from a morass or bog which must have been an effectual barrier in the old days, and where this ceases there still remain the ample and convincing evidences that a carefully-made stone dyke or dry wall continued the barrier for nearly as far as the bank and boggy boundary had already proceeded. This great work had been a part, and a part only, of the hedge-making and dyking which Ernald's *geneats*, *gebûrs*, and *cotsetlas* had had to execute in virtue of the several services they owed their lord. Moreover, this was one only of three *hayas* mentioned in the same document, other two being within the parish of Skelton, and this in a township of the parish of Guisborough. There is but little suspicion

With what has been thus brought forward we will collate the following extracts from the "Consuetudines Cotariorum de Hakenes," printed in the second volume of the *Whitby Chartulary* (pp. 365 *et seq.*), merely premising that divers other places besides Hackness are referred to. Every *bondus*, —the *bondus* being apparently identifiable with the *gebûr* (if not the *geneat*) of previous paragraphs,—every *bondus* of Silfhow, fifty-four of them in all, each holding a bovate of land, is bound to make his proportion of the fence or hedge around the Abbot's orchard; to do the same at the Abbot's *bercaria* or sheepfold, and to wattle the walls of the grange with pliable rods, called *virgæ* in the entry, and identical with the "yethers" or "yedders" of the Penny Hedge story or the "edderynge" in the preceding note. All the Suffield *bondi* were under the same liability, as were also the *bondi* of Dales. The *bondi* of Hackness, moreover, were to take part in making the Abbot's *bercaria* or sheepfold within the township (the Abbot finding the material of green and dry wood), and were to keep it in repair. Over and above all these services due in divers localities, and all of them involving more or less of labour of the hedge or fence-making kind, every *bondus* of Newham (Newholm, near Whitby), thirty-five of them in all, and each holding two bovates, was to aid in making the Horngarth as well as render other services at the Abbot's will; while precisely the same held good with respect to the *bondi* of Staynseker.

We can hardly pass all these facts and circumstances in review, and avoid the conclusion that these special services entailed on the agricultural operatives of the series of lordships or manors grouped together under the headship of the Abbot of Whitby were, not the survivals merely, but the actual and legitimate descendants of the services which were incumbent on the corresponding classes of operatives in the times of

generally of the extent to which the survivals of the agricultural undertakings of our far-away predecessors still remain among us, craving for notice and recognition.

what is known as the Anglo-Saxon rule; that, in point of fact, they prevailed under the rule of the restored Monastery as they had prevailed, if not *because* they had prevailed; when Abbess Hild filled the position of *Capitalis dominus* in Whitby itself, and in the lands that were then grouped together under her headship and dominion, as the then "lord." For, as we remember, it was to her that the *tûngeréfa* was responsible, and made his business and other reports. And, indeed, it is not a little suggestive to learn that it was this official, and no clerical or ecclesiastical person, who conducted Caedmon to her presence, and gave her the first details touching the oxherd- or *gebûr*-poet's "inspiration."

But admitting what has been so far advanced, and supposing Caedmon to have been a *gebûr* rather than a neat-herd (as there is certainly some show of reason for accepting as a possibility), who will be found adventurous enough to deny that, in the days preceding the development of his poetic faculty, his hands may have been actually and literally employed in the making of the Horngarth itself? Indeed, on the premises, I hardly see how we can come to any other conclusion.

On the whole, then, I am unable to regard the Horngarth in any other light than as the continuance of a service the first historic starting-point for which, as far as we know, is approximately coincident with the epoch of St. Hild's acquisition of the Whitby *familiæ* or concessory lands. The name through which we know of it may be, and is, of later origin. But so is the name of Whitby itself. As things are, we do not know too much about the appellation Streoneshalh, although we may possibly infer or deduce something. But we do know that it was superseded by the name Whitby. It is possible that, in like manner, "horngarth" replaced a name which was, in some sense, a parallel to the name Streoneshalh, —a name which perhaps embodied the element *hege*,—although it is scarcely likely that *deorhege* was the full word to be replaced; *neathege* or even *hryðerhege* was more likely than that.

That the nature of the Horngarth is indicated by the name itself, as interpreted above,—and that it is as indisputably an "Old Danish" phrase or term,—hardly allows room for discussion. For the idea that the element *horn* meant, or had any connection with, the horn that can be blown, involves so many and such inconsistencies and absurdities that it could hardly have obtained acceptance except in what was known at first to be merely a legend which had obtained popular recognition.

WHITBY AND THE DISTRICT IT BELONGS TO, BEFORE THE NAME OF CLEVELAND WAS GIVEN

No little of the interest connected with Ancient Whitby, and more especially with Old Whitby, centres rather in its associations than in the place itself. And it is remarkable how many and how diversified these associations are, and with how many ages and with how many matters they connect themselves.

In all the long years of her historical existence, Whitby, or her Anglian predecessor, has never for long stood isolated, or without practical influence affecting a far wider area than merely her own immediate precincts. The part she played in fostering the renascent Christianity of Northumbria during the epoch of Abbess Hild's personal labours and those of her immediate disciples and followers, is scarcely to be calculated. Then again, in the flourishing town and port she became under the sway of the strenuous Danes, and particularly as the place of principal resort for political and religious reunion among those sturdy and energetic settlers, Whitby unquestionably had a vast and effective pre-eminence throughout the whole of the district called Cleveland by Danish speakers. And later yet, when the renovated Abbey had begun to exercise in the minds of all the dwellers in the district west of her a superiority like to that held by her glorious church over all other buildings whatsoever, whether in the town or in the country, it is hard to say within what

limits her influence would cease to be actively operative. At, and soon after, the Dissolution, no doubt, she would be like other places whose chief dependence and glory had departed. But no very long time passes before Whitby is yet once again a port with shipping and trade, and one enterprise leads on to another, and shipping and trade and enterprise do not allow their source and starting-point to be nameless, or without a bearing upon other places in the vicinity and the people living in them.

Thinking thus, it is hardly possible to write or speak of Old Whitby as if all the interests concerned centred in or circled round Whitby itself or Whitby alone. In any retrospective glance Whitby can only be viewed as a part of a larger whole, and associated with the rest by the common bonds of general condition and experience. Whatever the remainder of the district now called Cleveland may have been, whatever its condition, its status, its modes of living were, such, allowing only for the differences introduced by proximity to the sea, was what is now Whitby, and such also were its daily, or casual, or more permanent habitudes and experiences.

It may, and at first sight it does, seem strange to us that such a district as Cleveland now is should have been, as far as we know, unmarked by any ancient name. In reality, however, it would rather have been remarkable, in the general absence of like local names of absolutely ancient origin, if it had been otherwise. The few distinguishing appellatives of that class remaining are the general names of provinces, and by no means of merely local districts. And, besides, other reasons explanatory of the circumstance that no name belonging to the same category as Streoneshalh should have left any reminiscence behind it, are not slow to suggest themselves.

The name Cleveland itself can hardly have been formed or spoken before the ninth or tenth century, and certainly cannot have become a geographical designation, recognised and accepted as such, until late in the period last named;

although, at a time when all names meant something and were understood accordingly, it could have needed nothing but publication to ensure its recognition and acceptance. Like *Skarðaborg*, the burg or stronghold of the steep-faced cliff, it was too happily descriptive not to be adopted when once suggested. *Kliflönd* or *Klifslönd*—how could the contour of the coast-line of country designated be more happily represented to the mind!

And yet there may be reasons why what has been called Cleveland for near upon ten centuries not only may but must have had a name before the time of its re-christening by the Danish or Norwegian invaders. It was peopled, perhaps not very sparsely, probably throughout both the earlier and later Bronze periods. Then, again, there is evidence to justify the presumption that it was visited, perhaps in part occupied or dwelt in, by Teutonic crews or communities in the early centuries. Certainly it had been regarded by the Roman masters of the Island as possessing important strategical features, and as consequently calling for the construction and maintenance of a military road into and through it, and also of similar (if less elaborate) means of intercommunication in the interior, parallel to the coast-line.

All these statements admit of adequate or satisfactory substantiation. The barrows which have been scattered broadcast over all the high grounds of the district—no unimportant section of the whole—the very numerous and, some of them, elaborate earthworks that score the country-surface and make conspicuous its defensible places and natural strongholds, both alike tend to prove that the Ancient British occupancy was considerable alike in duration, in amount, and in importance. From some of the larger barrows as many as eight or ten, and in one instance sixteen, cinerary vases have been taken; and that, besides other interments in the same houes which were unaccompanied by the customary urn. And while these larger burial-hills have been exceedingly

numerous on almost all the high grounds in the district, the smaller mounds of 12 or 15 feet only in diameter, each of which has covered the body of an ancient inhabitant, have been as ten or perhaps even twenty to one of the more imposing-looking monuments of the class they belong to.

The testimony of the earthworks, and especially when allowance is made for such as have been obliterated by agricultural and other more modern operations, is to the same effect. Passing by the great defensive work at Eston Nab, and the almost more interesting, although smaller, hill-forts, such as those at Castle Levington, Easby Castle Hill, Girsby Castle Hill, and other places, the way in which all the tongues of lofty moorland which stretch down in their grand elevation into the valley of the Esk on its southern side, creating the Cleveland dales by the fact of their own being, are scored across with single lines, or by a more compound work of foss and vallum (doubled or trebled in some instances), is both remarkable and significant; and what they reveal seems to be not merely that they were intended to be defensive against attack from the south, but (what is more to our present purpose) that they were constructed at such cost of effort and toil and perseverance as could have been available only as the result of concert and combination on the part of a not scanty population, united alike in the toil of constructing and in the resolution to defend a series of works which has to be measured by miles rather than by furlongs merely.

I make no attempt here to assign even an approximate date to these earthworks further than by assuming that they are probably coeval with the earlier section of the grave-mounds. As to these latter, however, their construction and their contents, the case is somewhat different. All the burials in them, almost entirely without exception, and amounting to a very large aggregate number, were after cremation and not by inhumation. Personally, I have met with but one instance of the latter; and even in that case the grave had been dug

through a previous houe, which had been raised to cover a cremated body.

It is, however, none the less true that articles, mainly associated with such burials as are most frequently accompanied by objects of bronze, and of such a character as to be unhesitatingly assigned to the Bronze period, have been met with in several of the barrows under comment. I have myself taken three finely-moulded and nicely-polished axe-hammers from grave-hills on the Danby and Skelton moors; one of them from an original interment, the other two from secondary or inserted deposits. One of these was from a barrow which had been so often added to and so much re-fashioned that the true centre, with originally a very archaic deposit, had been completely lost sight of. And in another instance there were found the most unquestionable evidences of four successive epochs of burial, the latest being accompanied with three jet beads of the rudest workmanship I have ever met with.

So that, while it is clear that the Bronze period is represented in our Cleveland grave-hills, on the other hand, it is abundantly apparent that the great bulk of the larger barrows, and presumably all the almost innumerable smaller hills in which nothing but fragments of unwrought flint and small pieces of charcoal is found, must be referred for their construction to the period which witnessed the possibly tardy introduction of this metal into this remote district.

On the whole, no other conclusion seems to be possible but that, speaking generally, in Ancient British times, down to the epoch in which metal had become (at least, in other and less isolated districts) an article in common use, the population of the district was anything but scanty; and, besides, was capable of executing large works that could only have been designed and much more executed under a system of distinct civil and political combination.

Continuing to advance, as time advances, in our notice of Cleveland experiences, and with a leap that possibly covers

more than a century or two, so as to arrive at the period of Roman domination, we encounter facts that have been generally passed over with very much less attention than they deserve and indeed demand; for their significance cannot but be considerable both in amount and importance. What I refer to more particularly is the fact that there is a Roman Road through the eastern part of the district, and the further fact—singularly remarkable as taken in connection with the circumstance that such a road existed and exists—that not only are there no traces of any Roman settlement in the interior of the country, but an almost entire absence of any Roman remains whatever. It is remarkable too that, of the few Roman finds recorded, the most have been met with on or near the line of the military road named, or at certain points at or near the sea-coast. Practically, at the date of the Roman occupation, so far as indications to the contrary are concerned, Cleveland—at least, the eastern part of it—must have been almost a desolate, uninhabited wilderness with one, possibly a second, practicable route through it, made and maintained at cost, and with effort and determination by the soldiers of Imperial Rome.

The question will suggest itself, "Why was this cost, this serious expenditure of effort and pertinacity, deliberately incurred? Why was this carefully-devised and engineered and massively-constructed road projected, executed, and permanently maintained and defended?" Obviously, under the circumstances already specified, the objective purpose and end could only have been found at the terminus of the road. Obviously again, as the one port of the coast to which the road indisputably tends, namely, Whitby itself, is deliberately passed by, at a distance of three miles and more, the object was not to open or maintain communication with a harbour; and indeed a harbour on that coast would seem to have been, from a military point of view, but of very little use.

Hence, then, it becomes apparent that the object must have

been one limited by the line of the coast itself; and it is at this point that the Roman finds adverted to become so singularly significant. At two places, one on either side of the point to which the Roman Road is directly tending when last ascertained or recognised, and these places separated from the said intermediate point or assumed terminus by distances of fourteen, and eighteen to twenty, miles, remains of Roman presence and occupancy have been found, and of such a nature as to show that permanent buildings of solid construction had once existed there, and unmistakably Roman in their character. One of these places is on the verge of the sea-cliff above the Coastguard Station, overlooking Saltburn; and in noting this, we must remember that fifteen or sixteen centuries ago what is now the verge was many yards inland. The other is at or near the Peak, about half-way between Whitby and Scarborough.

There is also, and strictly in the same connection, the further fact that, between the westernmost of these two places and the assumed or apparent terminus of the road itself, the highly significant name of "street" is met with as applied to a very lonely piece of road running in the very direction that an inner line of communication between the said assumed terminus and the western outpost would have required. And as to the continuation of this inner line of communication on the other side, Dr. Young distinctly asserts that traces of a road are found in the vicinity of the Ravenhill or Peak Station.

It seems at once gratuitous and unreasonable to attempt to connect the existence of the Roman Road, of these permanent settlements on the very outline of the coast, of these means of ready communication between the one and the other, with anything save military objects, and those objects such as were in some manner connected with the sea. In short, the only tenable theory is that the Romans, under the impulse of adequate, and indeed very cogent, considerations, maintained

not only *castra speculatoria* or posts of military observation along the coast from Teesmouth past Whitby, and still on southwards, but means of military defence as well; and, as an inevitable corollary, against attacks which must have been delivered from the side of the sea; in other words, against Teutonic descents, incursions, or invasions.

And with this conclusion another fact, scarcely more than incidentally glanced at so far, may be coupled. The remains given up by the grave-mounds of the district have, as already noted, been with few exceptions of a certain character. No metal has been met with in any case, and the occurrence of bronze finds of any sort within the area defined have been few and far between. It has indeed been argued that the non-occurrence of metal in any of the very numerous Cleveland interments which have so far been scientifically examined, and the very rare occurrence of metal finds unconnected with sepulchral deposits, besides its affording only negative evidence, may also admit of the explanation: (*a*) That the district was remote and not of easy access, and that therefore the introduction of bronze articles might be expected to be, on that ground simply, much retarded; and (*b*) that the district must have been exceptionally poor and ill-provided with articles for barter, so that there was no inducement to a trader to adventure himself there with metal or other costly wares; that, in other words, it was non-productive and inhabited by a poverty-stricken stock of inhabitants.

But may it not fairly be inquired whether, assuming the poverty of the people, and the unproductiveness of the district, there was not some other, or at least some additional explanation of the fact, besides merely the physical character of the district itself? May not the population, besides being poor, have been somewhat scanty? May not the district have been poor because in later time sparsely inhabited? And may it not have been sparsely inhabited for reasons quite independent of the physical character of the country? For it is to the

point to remark that the Romans would not have adopted the measures noticed in the foregoing paragraphs merely in the face of a prospective or hypothetical danger. The danger must have been real, actual, imminent, before the construction of five-and-twenty to thirty miles of main road, and more than the same amount of lateral communication between post and post, would have been devised and completed, and the necessity of maintaining permanent outlook-posts and their requisite garrisons recognised. And if that were so, what about the absolute condition of the district whose coasts it had become so necessary to watch and protect, and of its inhabitants during the generations antecedent to the recognition of such necessity, and the commencement of the defensive measures taken in consequence? Practically speaking, it is obvious that the condition of Cleveland for the epochs nearly preceding and immediately following the Christian era may well have been that of a virtually depeopled country. The period was one when persons and property, and failing the latter, the former at least, were matters to be "lifted" by those who had the opportunity and the power, and no small part of the business of whose life it was to do it when occasion offered; and piratical or predatory Teutons would have scrupled little about reducing our ancient Cleveland to the condition of a desolate, uninhabited wilderness.

We need hardly pause to remark that, if what has just been advanced is true with respect to Cleveland itself, it must be admitted as still more true for such parts as Teesmouth, Staithes, Runswick, and Whitby; because there, as the practicable landing-places for the piratical crews or squadrons, the hand of the plunderer would naturally and necessarily be felt, and the wastings of the ravager be inflicted, with the most severity, and on obvious accounts.

Passing on with the times, we have next to notice the at least partial occupation of some portions of Cleveland, and of Whitby in particular, by immigrants of Teutonic origin and

descent whom we may safely designate Anglians. But there is this difference between this transition and the last, that we seem to see the processes of acquisition and occupation in actual progress. The piratical, predatory, occasional raids or infalls,—we can hardly dignify them by calling them invasions,—from the side of the sea, depending mainly or simply, perhaps, upon the personal impulses of any plundering sea-rover who found himself strong enough for the attempt, would after a space become more systematised and regular in their character, instead of desultory and without combination as at first; and it is no doubt to such a state of affairs that the original conception and execution of the Roman Road must be referred. Not only the sea-board, or the narrow strip of country called Cleveland, would seem to be in continual jeopardy, but the wide and fertile plains to the south and west and south-west of the Cleveland hills would be endangered; and there can be but little doubt that, when the weakness which led to the eventual retirement of the Roman forces from Britain began to make itself sensibly felt, the consequences of the commencing reflux would become sensible in so remote, and by ordinary routes so inaccessible, a district as Cleveland, before they were actually realised in the more central and more fully organised settlements in the interior or home region. Or, to put the same in other terms—and without pausing to dwell, however cursorily, on the inherent probability (recommended as it is by apparent historical references) that scattered groups of settlers of Teutonic origin may have found sites for habitation in the very early stages, if not actually before the commencement, of the Roman domination in North England—permanent settlement and occupation may be regarded as likely to have become actual at an earlier period than in the more southern portion of the island. And it may be noted that this conclusion, arrived at as it has been through the foregoing considerations, is not without some actual confirmation arising out of ascertained

facts. For what was beyond question a Teutonic cemetery, and certainly a very early one, was discovered some few years ago at Boulby, not far from Staithes, on opening out a quarry there. Six bodies were met with before the quarrying operations were suspended, each in its own carefully if roughly constructed stone-cist; and under such conditions that there could be no question as to their being pre-Christian, and at the same time neither Romano-British nor Ancient British. And to this, interesting and instructive as the fact is, it may be added that over and above the subsequent discovery of a seventh body, buried under the same conditions, an interment of another character was found in the closest local association with the others, which was such as perhaps to supply a connecting link between the receding and the intruding races or peoples under notice; for the interment was one after cremation, and the cinerary vase containing the calcined remains was of the unmistakably Ancient British character. But while this Teutonic settlement at or near Boulby seems to present something of the nature of positive evidence attesting its exceptional earliness, it does not seem reasonable to assume that Boulby and its vicinity would be the only sites of early Teutonic occupation. It is indeed more reasonable to assume that it and others like it were most likely precursors of the more general allotment—at least, occupation—which there is ample reason for concluding took place eventually through a great part (if not the greater part) of the district as a whole.

It is at this point that we are brought face to face with the fact that when the first sufficient record of Cleveland place-names becomes available, five-sixths of these names so recorded are Scandinavian and not Germanic. And the question may be asked—as, indeed, it has been asked—"What assurance is there that the district in question was ever parcelled out among and named by settlers who were Germanic in origin, or say Anglian, and not Scandinavian?" The answer to this

is that, did not the other one-sixth exist, involving the presence of such names as Easington (a hamlet of which parish Boulby actually is), Hemlington, Levington (Leofwin-ton), Newham, Middleton, and the like; and did we know nothing from historical sources of the renaming by the Scandinavian conquerors and colonists of the places they severally took possession of—of which Whitby itself is a remarkable case in point—still the existence of such a local name as Freebrough in the district could hardly pass unnoticed. To the student of philology from the historical starting-point, there are many words indeed which are pregnant with historic fact, and such words may be found neither few in number nor unfertile in interest and suggestiveness in ascertained place-names. I will instance but two or three cases out of almost any number. Documents of the thirteenth century give up the name *markemot*, while others a little later in date yield *marmothou* and *mermotthorne*, wherein the *mer* or *mar* = mere or mark, which again = Anglian *marc*, *mearc*. Seamer reveals the continued occupation of a people who called a sheet of fresh water by the name *sæ*, and "the Acres" near Stokesley reproduces the term found in the Anglo-Saxon Gospels, and meaning the "corn-lands." These all, in their way, are as significant as is the name Thingwala, found in the earliest document contained in the *Chartulary of Whitby*, usually called the Abbot's Book. For just as this last tells, with an authority which cannot be gainsaid (and even without the corroboration enforced by two different places in the interior called by the significant name of Thinghou), of the established Danish polity in Cleveland in the tenth and eleventh centuries, so in the same way the words just adduced betoken the systematised Anglian usages of the earlier times still.

Perhaps the survival of such traces of Anglian ownership and occupation makes it the more remarkable that no indication remains of the former existence of any name applied to the district at large. We have to wait for that until the saga

of Haralldr Hardrádr tells how that king made the coast of England *er Kliflönd heita* (where it is called *Klifland*), and fared on south to *Skarðaborg*.

A very brief retrospect will suffice to indicate how this had come to pass. The Anglians had come, had slain where opposed, and had taken possession. But no long time elapsed before it was done to them as they had done to the men they had themselves found in possession. The Northmen, or Danes as they are among ourselves more usually designated, had come and obtained the mastery, the ultimate issue being that a systematic apportionment or allotment of the lands of the entire district was made among the captains of the successful host, who as systematically became a host of colonists.

I know that this used to be looked upon as a heresy by many, and that even yet it is, if admitted at all, admitted with much reluctance. Still, like all that has gone before, it is fully borne out by facts. The ordinary mode of expression in old Higden's somewhat hackneyed phrase is that there was a "strong infusion of Danish blood and Danish language" among the inhabitants of Northern England. I would, on the contrary, rather say that, in the original settlement or colonisation of this district of Cleveland, the infusion—if we can with accuracy use the word at all—was rather of English blood and English idiom among the Danes, than of Danish among English. No doubt, in the lapse of time, and speaking of a wider district, as was the case with the author quoted, this would be modified, and perhaps materially altered. But no one can notice and consider the Cleveland place-names with an adequately attentive mind, or give thoughtful heed to the peculiarities of the folk-speech, even in the measure and mode in which they are found still existing, without being compelled to adopt certain definite conclusions. Such names as Ormesby, Bergulfsby, Soureby, Coleby, Swainby, Normanby, Uglebardby, Asulfsby, Aslacsby, Overby, Upsal, Arusum, and multitudes of others, speak for themselves, and in a way that does not

admit of contradiction. Some of them, moreover, speak with a double force or emphasis; for they not only depend upon inflexion, but the inflexion they depend upon is Old Danish and not English. This speaks decisively as to the language of the people by whom Cleveland was colonised and its constituent places renamed,—a language which must naturally have remained in continuous use for some lengthened period afterwards.

This indeed is an inference which is more than simply confirmed by the very large number of so-called "dialect" or "provincial" words, many of which are still living words, notwithstanding the operative influence of the Education Act and the School Inspector. Multitudes of such words, not so numerous now as, according to the testimony of many ancient writings published by the Early English Text Society, they were four to five centuries ago by at least nearly one-half, are so purely Scandinavian that neither they nor any cognate forms of them are to be found in any Germanic "word-book" whatever. Some of them, indeed, are hardly to be found in the recognised word-books of Denmark and Sweden themselves; and not a few are now as much dialect-words in those countries as in the remotest parts of Cleveland itself.

One singular illustration of this point, and more strongly corroborative than could *a priori* have been anticipated, arises out of a conclusion (which admits of absolute demonstration) that a very large proportion of early mediæval designations, of the general class of "field-names," are names imposed at a period or periods distinctly later than Domesday. First and last, I think I may safely venture to say, I have taken notice of over rather than under 3000 words or names of the class referred to, of which, while it would be nonsensical to say they could not be found in Domesday, it is not the least nonsensical to say that the reason above all others why they could not be found there is that they had not then been given; for they are such in their nature and their composition as to

make it absolutely certain that their coinage depended upon, or took its rise from, gradual rural development, agricultural or other. I will give but one illustration out of the numbers that are available, and that taken from the circumstance that in my own parish there were, four centuries ago, and had been for I do not know how long before, no fewer than eight place- or field-names depending for their formation on the element *thwaite*, all of which *thwaites* had resulted from the gradual clearing away of the nine square *leugæ* of *silva pastilis* recorded in Domesday. But *thwaite* is, according to the authorities in such matters, a distinctive token and assurance that a Scandinavian godfather had been present and officiated at the naming of that place.

I do not think that attention has been sufficiently drawn to the principle which underlies these last remarks, nor that sufficient prominence has ever been given to it. But it is an important one, and attention to it might have saved derivationists from some serious blunders.

One other observation, and of the same general tendency, should be made: namely, that there is, in a variety of instances, an almost absolute verbal coincidence, if not practical identity, between proverbial phrases and expressions current in both Cleveland and Scandinavian countries. Thus, the Whitby saying preserved by the late F. K. Robinson of Whitby "to blash upon the seas" is not so much a translation as a reproduction of "at pladske paa söen." The same is true of "lost like a lopp (flea) iv a barn"; and again, and even more strikingly, of "he does not look as if he had lived upon deaf nuts," the Danish form of which is "han lever int' ved dövv nödr." As actually spoken by a dalesman these sayings are nearly identical in word, almost in the form and sound of the word, with the same sayings as expressed in Scandinavian lands.

When we have such evidence to prove the nationality of, and the nature of the speech employed by, the dominant if

not the main body of the colonists and occupants of Cleveland in the ninth and tenth centuries—a manner of speech which has to such a remarkable degree survived even into this nineteenth century—the wonder that might naturally have been excited by the discovery of such a place-name as Thingwala is materially lessened if not practically removed. This place, of which I shall speak more in detail farther on, was situated not only in the close neighbourhood of Whitby, but, as I think, at no great distance from the site of the Monastery; and the name serves to show that the men who spoke the tongue, the nature and essential body of which we have just been noticing, and who occupied the country from Eskmouth to Teesmouth with all the appertaining interior, brought something besides their national tongue with them. They were nationally coherent enough to have transplanted their national polity with not only its fashion of law, but its stated time-honoured law-place and the name for it. And so, I would observe, there was a great reason not only for the imposition of the Northman's name Cleveland upon the district, but for the continued abidingness of it as the distinguishing name of the country.

But time passes on, and in due process we have to note another great change in the fortunes and conditions of the space of country we are interested with. The Norman Conquest, with all its ulterior consequences in and upon Cleveland, is now claiming our attentive notice and consideration. But it must suffice here to remark briefly that one of the last organised attempts at resistance to the Conqueror's will and purposes had its local habitation in the marshes of Cleveland. The Camp of Refuge described by Orderic Vitalis would appear to have been constructed on the marshy flats between Coatham and Warrenby. But in spite of its almost inaccessible position, and its numerous and well-provided body of defenders, the Conqueror prevailed. The upshot to Cleveland in common with the rest of the

North was the fearful wasting designed and executed by William's orders. Then came the re-allotment of the lands among his faithful followers and trusted adherents. Among these were Hugh, Earl of Chester, and William de Percy. Customarily, but quite erroneously, spoken of as in the same category, was Robert de Brus. It has always been usual to say that this baron was among those who "came over with the Conqueror." If that had really been the case, it would have been a strange thing indeed if he had been left out in the cold when all the others, many of them much meaner men than he, had been so warmly provided for. But his name is not so much as mentioned among those of the allottees of the earlier part of the Conqueror's reign, and we do not hear of him at all in Domesday until after the year in which that momentous record was given in; and that, it is hardly necessary to say, was the year preceding William's death.

These three nobles are mentioned here because it was out of the lands granted to them that the main part of the earliest endowments of the renascent Abbey of Whitby was furnished forth. Whitby, with all its then wide appendages, belonged to the Earl of Chester, of whom William de Percy held as subinfeudatory. He also held Hackness, but of the king *in capite;* and at Hackness was perhaps the earliest as well as the most important cell dependent on Whitby. Middlesbrough, with its considerable endowments, becoming eventually Whitby's most considerable cell, was in the domains of the first Brus baron.

I would only remark further, in this place, that in the year or years closely preceding the date of the proceedings taken with the view of resuscitating a religious house at Whitby, Dunsley with Newham (Newholm nowadays and for long past) was in the king's hands, or part of the "Terra Regis"; and that in some way, not hitherto explained or apparently explainable, William de Percy had taken the position held by the Earl of Chester in Domesday as

tenant *in capite* of Whitby and its appendant "maneria" and sokes.

It may also be noted that, whether by the Earl of Chester or by William de Percy himself, certain grants or concessions had been made to lay individuals, notably Tancred the Fleming in Fylingdales, which had to be purchased back before the endowment of the Whitby House could be (so to speak) fittingly or completely rounded off.

WHITBY: WHAT IT USED TO BE CALLED, AND WHY

It is hardly possible in a book entitled *Memorials of Old Whitby* to omit all reference to the derivation of the two names by which the town in question has been at different times designated; namely, Streoneshalch or Streaneshalh, and Whitby.

In general estimation, apparently, and certainly according to much prevailing practice, nothing seems to be thought easier than to derive a place-name. Thus it has been assumed once and again that Aislaby, sounded Hazelby, and in the mouth of the general population, Hesselby, must as a matter of course have taken its name from the prevalent growth of the hazel—locally called "hessel"—there, in days of old if not now; and further yet, that Danby, Ingleby, Sexhow, Picton, names of stations passed as one journeys west from Whitby towards Stockton, serve to remind us severally of the Danes, the English, the Saxons, and the Picts!

The real fact is that no craft is really—not more difficult exactly, but more a work of labour and real study, and informed if not learned investigation, and patient research, than that of the man who would try to explain our various local names and designations.

The instance of Aislaby just mentioned is indeed both very illustrative and instructive. No one could by any possible guess or mere process of assumption light upon its actual formation. There are four places so named—two in

Yorkshire, one in the county of Durham, and the fourth in Lincolnshire, not far from Sleaford. They are all called Hazelby, and by the country people Hesselby. Yet, in spite of this seeming identity, they proceed from two different and equally distinct originals. The place near Whitby so named is first met with as a written name in the form of Asulvbi or Asolvesbi—that is, the *by*, or coloniser's farm-settlement, of Asolf or Asulf. But the other three are met with in the same authoritative writing under the coincident forms of Aslacebi, Aslacsbi, or the *by* of Aslac; Aslac and Asulf being as totally distinct as Smith, Brown, and Robinson. And in the same way the four names of stations just now mentioned depend on the personal names Dane, Ingialldr, Sex or Sax, and Pik or Pick.

In reference to Whitby, a great deal has been written, and more still spoken, as to the derivation of the name. There is no need to recapitulate the various guesses or "shots" which have been made; and as to my own, that it depends on the personal name which is now written "White," I surrender it as unsatisfactory, because arrived at on false principles. That the old form was Hwitabi, Whitaby, Whiteby, needs nothing in the way of proof; nor yet that the meaning was "white *by*": only we must bear in mind that this little word *by* soon came to be applied not only to a single or isolated colonist's dwelling with all its necessary "buildings," but also to a collection of human dwellings—that is, a village or town. What has done more to recommend this meaning of "white village" or "white town" to my acceptance than anything else is this sentence from Baeda's *Historia Ecclesiastica*: "Qui locus . . . vulgo vocatur 'Ad candidam casam,' eo quod ibi ecclesiam de lapide, insolito Britonibus more, fecerat"; that is, "Which place (Hwiterne, now Whitehorn) is commonly called 'at the white place or building' because he had made build there a stone church, after a fashion the Britons were entirely strangers to." And just as Whitehorn church (a cathedral church in the

issue) was so named from the comparative whiteness of the material employed, so the presumption is that Whitaby (*Hvitabyr*, originally) was so named because the cluster of habitations constituting the *by* or town were built with some material naturally white, or rendered white by artificial means; probably, however, white stone, like Hwiterne.

As to the older name Streanaeshalch, Streanaeshalae, Streanaeshalc (all these three forms being used by Baeda), Streoneshalch, Streoneshalh, Streaneshalch, or any other form of the name, the case is different.

In my *Handbook to Whitby and the Abbey* I wrote: "While discussing the name of Whitby, it must not be forgotten that there is another and an earlier name by which the place was designated at a remote period, which has been the subject of almost more questioning, and the occasion of even more guessing, than the name Whitby itself. The reference, of course, is to Streoneshalch and its variants. That the name is Anglian in its origin and imposition there can, it is thought, be little hesitation about admitting. The form is Anglian, and the constituent elements would clearly seem to be the same." And then, in a note I subjoin: "At p. 142 Dr. Young adverts to the subject and continues his remarks over several pages following. First, he notes the interpretation alleged as Baeda's, namely, *sinus fari* = the bay of the light-house, a reading he does not think could have been Baeda's own. Then he suggests for notice the guesses Gain-bay or Bay of success; Camden's Healthy-bay; Gull-bay; Pirate's-bay; Open-bay or Gaping-bay; with a final return to the Bay of gain."

This enumeration of guesses, put even thus baldly, is perhaps not very exhilarating to the student-inquirer,—except perhaps in the way of encouraging a smile, whether more or less cynical; but still it is significant of the attempts that have been made to deal with the name as of Anglian origin and composition. And it is not to be denied that there is

much more than apparent *prima facie* justification for attempts of such a kind. In the first place it looks like the customary compound word which the Anglian place-name is so continually found to be, where the first element is the name of a person or thing, and the second more or less adjectival or descriptive. It is true that such Anglian names do not abound in Cleveland, however obtrusive they may be in other parts of the kingdom. Still there are some few, such as, for instance, Levington (Leofwin-ton), Easington, Hemlington, Stokesley; and it is indisputable that Stréon did exist in Anglian times as a name particle. For, as Mr. W. H. Stevenson writes in the *Academy* (July 1885): "In that invaluable list of Anglo-Saxon (or, rather, Old-Northumbrian) names, the *Liber Vitæ* of Durham, which dates from the ninth century, I find the names Stréonbercht and Stréonuulf. Florence of Worcester records the death of Strenwoldus, 'miles fortissimus,' in 987. Here we have 'Stréon-' in combination with *-beorht*, *-wulf*, *-weald*. If any further proof of the existence of this name particle were wanted, it might be found in the Anglo-Saxon name of Whitby—'Streon-es-healh,' where 'Stréon' is a pet name formed by the first member of the full name—a practice common to the Aryan name system. Compare also Strensall near York." Thus the complete "pet name" would be Stréona, with Stréones as genitive. The writer quoted goes on to say: "There is at least one instance in Anglo-Saxon where *stréon* means bodily strength: this or the more usual meaning of treasure, riches, would be in harmony with the Teutonic name system."

This theory then leaves only the final element to be accounted for, namely, the variously written syllable *halch*, *halc*, *healh*, *halh*, etc. The fact that in Bradley's edition of Stratmann's Middle-English Dictionary the word *halh* is found, with the variants *healh*, *halche*, *hawch*, *hawgh*, *haugh*, and the explanation "haugh, meadow," is sufficient in itself not only to arrest immediate attention, but to suggest the more than

merely probable identity of this word and its variants with the final element in the name at present under notice. In the handbook referred to a moment since, I wrote in connection with *halch* and its varying forms, that there is another instance of the same final element occurring in the Abbot's Book, and that, also, what appears to be an alternative form of the same name is met with, wherein the final *ch* or *c* seems to give place to an *f*, just as in the Cleveland vernacular the *gh* in such words as "through," "plough," "slaughter," "maugh," and the like, gives place to nearly, if not exactly, the sound intended to be represented by that letter. There was enough in this to induce the thought not so much that the syllable *halch* or *halc* was descriptive—that I took for granted—as that it was very likely connected with the word which in other parts of the kingdom occurs in the form *haugh*, *hauch*, *halche*, or possibly *heuch*, *hewch*, *heugh*. I mention both these forms, the *a* form and the *e* form, almost of necessity. They may differ a little in shades of meaning, but I do not think they are of different origins; while it is quite certain that the meaning of either form is such as to adapt itself to the local circumstances of Whitby. Jamieson, in his Scottish Dictionary, gives *haugh*, *hauch*, *halche*, as meaning "low-lying flat ground, properly on the border of a river, and such as is sometimes overflowed"; and also, a few pages later, *heuch*, *heugh*, *hewch*, as "a crag, a precipice, a rugged steep." Now, while the entire Abbey cliff is essentially a "heugh" according to the latter meaning given, it must be remembered that the whole of the town of Whitby between the river and the foot of the height on which stand the parish church, the Abbey, the Abbey House, precincts and buildings, is essentially a "haugh" according to the other meaning quoted.

Moreover, it is quite more than possible that the meanings put upon and represented by the two forms "haugh" and "heugh" are more or less arbitrary, and were not so markedly differentiated when the name Streoneshalch was first imposed.

And it certainly is worth remarking that the local name "hyngand-heugh" remained current as applied to two places in the Whitby vicinity as late as the fourteenth century; and that the explanation given by Jamieson for this term is "a glen, with steep, overhanging braes or sides"; and it is difficult to imagine any kind of phraseology more descriptive than this, of what Whitby must have been when the name Streoneshalch was given; or, in other words, when what is now represented by "The Crag" on one side of the harbour entrance, and by the mouldering edge or brae of the Almsclose field on the other, were less distant from each other than they are now by many score yards.

But there is yet another matter cropping up for notice here, which, although it may seem visionary and gratuitous from certain points of view, or at least as viewed by certain authorities, is not, I venture to think, so evidently fanciful as to be altogether unworthy of serious attention. What I mean is this. On the Crag side of the river, within the harbour-mouth, is a street called Haggersgate, with a variety of varying forms, such as Hakelsougate, Haggleseygate, etc. etc. On the other or opposite side of the river is another street now called Henrietta Street, but which finds its site on or near what used to be called Haglyth, Haggerlyth, or by some variant of either. I have been asked scores of times, and by as many different interrogants, what the meaning of these several names may be; but I do not remember that any one ever suggested that the occurrence of "hagger," "hag" on both sides of the river-mouth, and more or less opposite each other, might be a circumstance worth observation if not inquiry.

For one, however, I can hardly bring myself to look upon the coincidence as either fortuitous or without significance. To put this another way: I am inclined to think that this *hag*, duplicated as it is, is not altogether suggestionless. A *hyngand-heugh*, it would be noted just now, has two sides to it. It is a "glen," according to the definition; and it was more

than dimly intimated a few periods back, that time was when, inside the harbour-mouth, there were two sides, not so far apart as now.

Now I am not going to advance the theory that there is an absolute etymological connection between "heugh" or "haugh" and "hag," though, as far as I am aware, no available derivation has ever been suggested for the latter, from a participation in which the former could be effectually excluded; but I do intend to suggest that there may be at least a phonetic connection between them, depending on what is called corruption or possibly confusion. Given, however, that the radical idea in one is that of "chopping, hacking, cutting by aid of a blow," it is hard to exclude the said idea from the meaning of a word which may be seen to imply the notion of that which results from the action of chopping, hacking, hagging. A glen is but a nick, a cleft on a large scale, analogous to the nick or cleft formed by a blow with a chopping or hacking instrument; and regarded from this point of view, it is at least plausible—I think, more—to look upon the two Whitby "hags," being what they are, and where they are, as the resultants, the survivals (it may be) of the original "halch," "haugh," "heugh" involved in the old name Streoneshalch.

But I am quite aware that there are other considerations relevant to any discussion as to the origin and explanation of the name Streoneshalch, which have not so far been adverted to, and which it is by no means desirable to blink, and, much more, ignore altogether. In what has been already said we have seen our way to recognise the "sinus" in the old interpretation of the name Streoneshalch; but in what was advanced relatively to the former element of the name of Stréona, no approach whatever was effected towards the application or meaning of the said former element. To put this into other words, What about the "farus"?

Satisfactory in many ways as the preceding explication of the probable formation and equally probable meaning of the

old name may be held to be, still there is one particular, and that an important one, in which it can hardly be considered equally satisfactory.

I must honestly admit that I have always felt that it ought to be supposed that Baeda knew what he was talking about, and that he wrote what he did write about the name, knowing what he meant to say; namely, that the name in question did actually mean "sinus fari." Assumptions essentially at variance with this idea have been put forward, as also the hypothesis that the said explanation is not Baeda's own, but an interpolation by some unauthorised scribe, reader, or meddler. But the absolute fact is, that it is not an interpolation. It is as much a part of the original MSS. as the sentence proposed to be explained is. That is unquestionable. And thus we are thrown back on the conclusion that Baeda knew what he meant to write, and wrote what he meant.

But if this be admitted, any derivation of the name Streoneshalch that contradicts, or ignores, or is essentially inconsistent with Baeda's interpretation, is put out of court at once. Now, admitting this, as I have done once and again in the way of private consideration, it occurred to me some time ago to recognise the possibility that the name in question might be a survival, in part or in whole, of a more ancient name which had come down to the times of Abbess Hild and her occupation, and which, being conceived in a quasi-foreign, certainly an obsolete, tongue, required to be explained or "interpreted." With this thought in my mind I turned to Baeda's mention of the name (Lib. III. chap. xxv.), finding the passage "in monasterio quod dicitur Strenaeshalc, quod interpretatur Sinus Fari." Turning next to other places in the same volume in which place-names were given, and their meanings as well, collating in all more than twenty instances, the term "interpretatur" was not found to occur in any one of them; and I hardly think it is to be met with in any other place in the book employed in the same sense and connection.

But it is to be observed that, on the same page, and only a few lines lower, Bishop Cedd is described as acting as *interpres* (interpreter) at the council of Streoneshalch, the speakers in the tongue of the Angles being of course equally unintelligible by the Scottish (Celtic) and Gallic presbyters and others who were present.

The phrase, of such frequent occurrence in the English Bible, "which being interpreted is," will no doubt occur to many who read these lines; and with it, possibly, the thought that its analogue must have been familiar enough to the man who, among his other and multifarious writings, penned so much in the way of "commentaries and homilies upon the various books of the Bible which he had drawn from the writings of the Fathers." And it is at least possible that Baeda in penning this sentence touching Strenaeshalch and its signification, may have used the word "interpretatur" with precisely this intention.

It is not intended to found an elaborate argument on what is nothing more than a mere suggestion, however probable the conclusion connected with the suggestion may commend itself as being. But it certainly does indicate a new line of inquiry. Assuming that Baeda was quoting the name as an old name, a survival from an older and now practically "dead language," and explaining the said name out of his own remarkable stores of knowledge, or from information specially acquired, what was the practically dead language from which this name had remained as a survival? And it is here at the very outset that the inherent difficulty, certainly the perplexity, is seen to begin.

The two words "sinus" and "fari" (more correctly, *phari*) convey the several ideas of bay, frith, creek, inlet or cove; and of a structure more or less lofty assumed to bear upon its summit an apparatus designed to afford light to sailors navigating by night. And the quest seems to be the possibility of finding these two ideas expressed in combination in the appellation Streoneshalch or Streaneshalh.

It is at least worth notice that there is more than a possibility of finding them—one of them precisely, and the other approximately—in combination, in the local characteristics of the place indicated by the appellation. The Whitby historian reverts once and again to an idea which had certainly commended itself to his mind, and which he gives expression to at p. 473, in the words: "If the Romans had any fort here, it probably stood on the East cliff, near where the Abbey was afterwards built; this being the most advantageous situation." In his note on p. 717, in seeking in part to justify the somewhat wild, and more than improbable, theory that "the bay of Whitby is generally supposed to be the Dunum Sinus of Ptolemy," he says that if we adopt this opinion and the further conclusion that "the name is derived from some *dunum* or fort contiguous to it, I should suppose that *dunum* to have stood on our East cliff, as our harbour must always have been the best landing-place in the bay."

Without in the least giving any measure of adhesion to the good doctor's theory as to the identity of Whitby Bay with Dunum Sinus, it is to the point to repeat that he sees no difficulty in assuming the former existence of a hill-fort or "dun" upon the height which is positively identified with the site of Abbess Hild's Anglian monastery. To this I would add that, if we admit the theory broached elsewhere touching the terminus of the Roman Road and its subsidiary look-out stations, it becomes exceedingly difficult to exclude the Streoneshalh site from being also the site of one of the said stations or *Castra exploratoria.* From it both the Kettleness terminus and the Peak fort would be fully visible; and, besides that, it supplies precisely the intermediate station that seems to be required.

But further, it is to be remarked that the term *farus* as employed by Baeda by no means necessarily, if at all, implies or conveys the idea of lighthouse. On the contrary, he is found using it in the exact sense of a watch-tower; as, for

instance, at the close of chap. xi. of his first book, where, speaking of the district of Britain occupied by the Romans, he says that the fact of their occupancy is attested by the continuance to his day of the "civitates, *farus*, pontes et stratæ" constructed by them; where *farus*, as noted by the editor, simply means watch-towers or posts of observation.

This gives the *farus* of Baeda's "interpretation" as clearly as could be desired; but it does not identify "Streones" or "Streanaes" with *fari*. That, however, is a point which it may be better to reserve, for the present at least. What seems to call more distinctly for consideration is the possibility of collating, or even, as regards the question of signification, identifying, the word "sinus" with the terminal element of the name Streoneshalch, or Streanaeshalh, or Straeanaeshalae.

If it be admitted that Streanaeshalh is really a name requiring to be "interpreted," as being a word belonging to an obsolete or practically dead language, it would seem to follow that the final element of the name should be taken to be obsolete as well as the first; and according to strict rule, no doubt, it ought to be so taken. Possibly, however, there may be no actual necessity to enter into that question at all, either critically or otherwise; for while *halch*, *halc*, *halh* may all be accounted for as forms of a Teutonic word, the meaning of which is fairly representable by *sinus*, as meaning a cove, creek, inlet, wyke or small bay, there is also a Celtic word, much in use in the old times of name-formation, which, meaning glen or steep-sided valley, or a stream with precipitous banks, again reproduces the secondary sense presented by *sinus*. The word in question is *aill*, synonymous and apparently interchangeable with *allt*, both originally signifying a height, a precipice, a cliff. "In Galloway and Ulster," says Sir Herbert Maxwell (*Studies in Galloway*, p. 50), "it nearly always means a glen, or the stream that runs within the glen. The change of meaning has been progressive from the height to the valley between the heights, thence to the stream in the valley." Words more

locally descriptive than these, relatively to the water-passage, the *sinus* between the heights of the East and West Cliffs at Whitby, it might be hard to meet with.

But, while all these considerations supply at least an approximate accommodation of local features with the essential signification of Baeda's interpretation of Streanaeshalh, or *sinus fari*, what is of certainly equal seeming importance, namely, the equation of Streone or Streones with *farus*, seems as far off as ever, and without something of that kind all that precedes counts for nothing.

Now, it was here that I was always brought to a standstill in all my previous speculations, and I see no legitimate way out of the difficulty still. I could see my way to the Roman look-out fort, and from that to the Celtic *dun;* and from that, again, by a not unusual transition, to the hill-promontory on which it was planted. And from this it was not difficult to arrive at the Celtic prefix *Stron*, *Stran*, *Stroan*, *Stroon*, all from Gaelic *Srón*, a promontory, a hill-end, which we have at Whitby in its full sense in what was, beyond dispute, the site of the Anglo-Saxon monastery. But there the facilities ended, and the difficulties commenced in serious earnest. For one thing the introduction—preferably the intrusion—of *Srón*, Anglicised as it is in pronunciation into *Stron* or *Stroon*, necessitated the stress to be laid on the final element, which we have no reason to suppose was or could be the case; and in the second place, there is the intermediate *s* to be accounted for; for it could not possibly belong to *Srón*, and it was equally difficult to see how it could be lawfully introduced by the *aill* or *allt*. And with the recognition of this difficulty the hope of reconciling the idea of a lost or obsolete tongue with Baeda's phrase "quod interpretatur sinus fari" disappeared from view.

On the one hand, we have the apparent impossibility of making Baeda's "interpretation" square with the otherwise unobjectionable Anglian derivation; and on the other, the

more important philological difficulty of finding a defensible theory based on any obsolete language once supposably current in the district. There may have been Celts there; there probably were. But to this probability attaches the other probability that, if so, they were Cymric, and not Goidhelic. There may have been, in Hild's time, at all events, Scottish (and that is Irish, and that is Goidhelic) priests and others as abiding, or visiting, or occasionally presenting themselves. But there is nothing to warrant even the hypothesis either that the name could have originated with the Welsh, or that it could be of actual Goidhelic origination. So that so far Baeda's phrase serves us to no good purpose. The Anglian hypothesis, although not reconcilable with the phrase, has the most to recommend it.

SHREDS OF OLD WHITBY HISTORY

THERE is no occasion in the present book to speak at length about either the history of, or the mere legends connected with, the early monastery founded at Streoneshalc by the Abbess Hild. As to the history, we know all too little; for what we do know makes us long with much earnestness to have the full and authentic details of so great a work, together with a sufficing and trustworthy biography of so great and energetic a woman. As to the legends, on the other hand, while we feel that we would willingly give the pages which remain (redeemed here and there by passages, all too brief, of sterling history) for only a few additional details of hard, dry matter of fact, we also see what the feeling, the culture, the religious condition, as well as the credulity of the community at large, must have been when such compositions were not only put together but unhesitatingly accepted.

But in place of continuing this line of general remark, it may seem better to reproduce at least the substance of what has been said already on this subject in my *History of Cleveland*: "The materials out of which a history of the pre-Norman monastery at Whitby may be constructed are not only sufficiently scanty, but they are also by no means such as to be free from many elements of doubt and uncertainty. The main facts that Hild, or (as she is mostly called from the Latinised form of the name) Hilda, was the founder, and that the foundation took place about two years after the battle of Winwidfield, fought 15th November 654, may, however, be looked upon

as resting on the positive testimony of Baeda. In what way the future Abbess became possessed of the land on which her monastery was to be built, and out of which it was at least in part to be sustained, does not positively appear. Young says she 'purchased a possession of ten hydes of land in a place called Streoneshalh,' adding in a note that the 'words of Bede do not necessarily imply that she purchased the land although the word *gebohte* is employed.' But he seemingly overlooks the fact that the Anglo-Saxon version does not yield the 'words of Baeda' while the Latin version does; and in it the expression is 'comparata possessione decem familiarum' (having acquired or become possessed of ten *familiæ*). And inasmuch as six of the twelve *possessiones* originally conceded by King Oswiu for the purpose of aiding the erection of monasteries were in the district of Deira, which included Cleveland, it cannot be unreasonable to conclude that the old original Whitby Abbey lands may most likely have been, if not certainly were, a part of the Royal donor's munificent grant.

"The character, the dimensions, the precise site of this earliest Whitby church are alike utterly concealed in impenetrable obscurity. There can be little doubt, however, that it was not so much a plain as a rude structure; most likely framed of split trunks of trees adjusted side by side so as to give a partially smooth wall within, with thatch of rushes or reeds, and side-lights only partially secured by light lattices of wood. A church of this description has continued to exist at Greensted in Essex, traditionally connected with the transit of the body of St. Edmund in the year 1010; and though recently 'restored,' enough of the old timbers still remains to show what it was originally like. Baeda himself tells us that Aidan built his Lindisfarn church, suitable to his episcopal see there, in the Scottish fashion, not of stone but of hewed oak, thatching it with reeds, the reed thatch being afterwards removed by Bishop Eadberct, and replaced with sheet lead.

This would happen between 688 and 698. It seems hardly necessary to advert to the inevitable corollary that the dwellings of the Abbess, the monks and nuns, and the servants of the House, would show the strictest accordance with the rudeness of this early House of God, not better but worse, or still more rude and inartistic."

As to other characteristics of such a religious settlement as the early Whitby monastery was, reference will be made to the subject at a subsequent page.

In addition to the remarks made in the last section as to the derivation of the name Streoneshalh, it is hardly superfluous to observe that this name seems to have been a recognised name antecedently to the foundation of Hild's Holy House. Like Heruteu (Hartlepool) and Laestingaeu (Lastingham), both of which places had been made the sites of religious foundations only shortly before, there is ample reason for concluding that Streoneshalh was already familiarly known, if not even a place of some celebrity. For, although after the disastrous battle of Haethfelt, in which King Edwin lost his life, the head of the unfortunate king was taken to York and eventually deposited in the church of St. Peter there (which he had himself begun to rear), yet his body was in the sequel buried at Streoneshalh, and the historian gives no intimation, or even a hint, that it had been previously buried, or temporarily deposited, in any other place whatsoever. Now the year of his death was 633, that of the foundation of the monastery 656 or 657. The inference therefore certainly is that the burial took place many years before the inception of Hild's undertaking; and consequently that the place itself and the church of St. Peter in which he was buried were already places of note. But it is certainly not a matter of inference or presumption only that within but a short time of the settlement at Streoneshalh, growth and increase became the characteristics of the undertaking, and the new establishment was recognised as equally notable and important. According to William of

Malmesbury, it was the largest of the monasteries founded by Oswiu's bounty, and, as Dr. Young well remarks, "its increase might rationally be expected, both from the rank and character of its Abbess, and the dignity of her youthful charge, the princess Aelfleda. Every one who adopted the monastic life would be eager to enter an abbey where a lady so illustrious presided, and where a young princess was a disciple. Oswy and his queen would be the first to patronise an establishment which contained an object so dear to them. The fame of the lady Hilda was extensively spread abroad; she was visited by persons of the most exalted station, and her monastery became the scene of important transactions."

The "important transaction" specially in the mind of the historian, as he penned those words, would necessarily be the famous Synod of Streoneshalh in 663 or 664, summoned for the purpose of settling the disputes which agitated the early Northern Church touching the precise time for keeping Easter, the priestly tonsure, and one or two minor matters. King Oswiu himself presided at the council, and besides him there were present his son Alchfrid (a reigning prince), Bishops Colman and Agilbercht (each with a train of clergy), Romanus (the Queen's chaplain), the venerable James, long associated with Paulinus, and of course the lady Hild herself.

Twelve centuries have passed away since this memorable gathering, and the points then mooted are matters in which it is not easy to take a very lively interest at this time and in this country; and probably we fail entirely in any attempt to realise how much of at least adventitious importance actually gathered about the transaction; as we most certainly fail in recognising the weight of the argument which is said to have influenced the royal president's decision as to the principal matter debated. Indeed it is rather hard to suppress a smile, as we read of the reason alleged by the king for advocating and deciding in favour of St. Peter's side.

But there were other reasons besides the holding of this

synod which tended to make Streoneshalh a place of importance and distinction. The institution from among whose foster-children a poet such as Caedmon, and bishops like Bosa and John, both of York, could be furnished forth, must have been one in which there was real life and activity in intellectual as well as in spiritual and religious matters. That Hild herself was an extraordinary woman, and would have made her mark in any age, is a matter which admits of one view, and one view only; and the presence of such a woman in such times and under such fostering circumstances might alone have been taken as a guarantee that much and wisely-organised labour and effort would be steadily brought to bear on the great objects of early religious life. We may of course, and without much compunction, discard the tales of Caedmon's somewhat melodramatic "inspiratio," and of John's miraculous performances, as due simply or principally to the legend-loving genius and temper of the times in which the legend was compiled. But there will still remain more than enough to show that good men and true were working with brain and pen and heart and hand, and that their spirit and will and energy of working were fostered and guided as well as inspired from the fountain-head of Hild's Streoneshalh monastery.

Hild appears to have died in the year 680. She was succeeded by her royal pupil Ælfleda, who for several years after she became Abbess had not only the benefit of her mother's presence and support in the discharge of her onerous duties, but also the counsel and aid of the wise and pious Bishop Trumwine, who took refuge at Streoneshalh when driven from his own district by the inroads of the Picts and Scots, or other Northern enemies. Ælfleda's death took place in the fifty-ninth year of her age, and consequently in the year 713.

After the death of Ælfleda a blank in the history of Streoneshalh occurs, so complete that during a period of a century and a half no record at all of its work and progress—

or, it might be, of its falling-off and declension—is known to have existed. It seems strange that such should be the state of the case, for we have ample assurance from the bare outlines of the facts already stated that a period of extraordinary activity and diligence in the special work of a seminary of ecclesiastical learning and discipline had (as of necessity) resulted in the rearing of a succession of able and devoted men, rising one after another to posts of the highest dignity and influence. Independently of the accessions to the numbers and efficiency of its inmates which would be induced in such cases as that of Bishop Trumwine and his attendants—a case which it would be unreasonable to look upon as of unusual occurrence in that age—there must have been a large body of duly taught and trained men in the monastery long after Ælfleda's decease, and it seems hard to believe that no one of them all should have been found as able as willing to chronicle the annals of the House. But so, as far as all seeming goes, it actually is. If any such record was ever compiled, the writings were lost or destroyed; and we hear no more of Streoneshalh until we hear of it in its ruin under the incursions of the Danes.

The accounts given of the destruction of the monastery and of the attendant ravaging of the district, by the different annalists who record the circumstances, are not altogether consistent, and consequently they require close sifting and comparison in order to elicit the probable truth. For this there is neither space nor call here. And it must be sufficient to state that about 867 to 870 the place was laid waste and the desolation of the holy House became a lasting one. In Dr. Young's words, "Streoneshalh lay desolate for 207 years."

But there are two remarks which I think ought to be made at this point. First, it is necessary to call attention to the fact that, whatever the simplicity or plainness, the rudeness even, of the early structures connected with the Foundation,—the very church itself being no exception, as has been remarked,

to the general rule of rough wooden buildings thatched with rushes or reeds, and lights of slight lattice, or, as at York Minster, of boards pierced with many holes,—still, before destruction at the hands of the Danish invaders and spoilers came upon the monastery, the simple or rude structures of the early days had given place to oratories and shrines and altars so massive and strong that yet, after the first wasting and after two centuries of neglect and worse than neglect, and of the effects of winter's storms and frosts, of equinoctial gales and other elemental forces, the walls and the shelterless altars of nearly forty "oratories" are described as remaining to show what the final works of the early piety had been. But more about this elsewhere.

The other remark which it would seem expedient to make here is that, although the sacred house and its buildings had been ruined and left in their desolation for over two hundred years, still it must not be supposed that the same terms could in any sense whatever be applied to describe the condition of the town of Whitby itself. This may not be the old doctrine, or that of the careless compilers and copyists who profess to supply the modern demand for historical information touching the condition and fortunes of Whitby, Ancient and Modern. It is quite true that Dr. Young, and others following him, have stated that when "the Abbey was ruined by the Danes, the town of Streoneshalh shared the same fate, and when after the lapse of two hundred years the monastery was restored the town revived also" (Young, p. 474). But this is wrong, and it is strange that men like Young and Charlton, doing so much worthy work, and under serious disadvantage too, and, besides, holding the clue to further and fuller knowledge in their very hands, should have failed to perceive, at all events to recognise, the indications that lay undisguised before them.

At the beginning of the said two hundred years no doubt the scene we are constrained to look upon is a wild and barbarous one. Ruin, wasting, desolation, havoc, and slaughter

everywhere. But after the lapse of a certain time,—we do not know how long or how short,—we are permitted to see the reign of order reasserting itself, ruin and desolation giving way to reconstruction, thrifty "*bys*," each with the colonising proprietor's wooden shantie, and those perchance of his freedmen and thralls as well as cattle-stalls, sheds, and byres clustering about it, replacing the ravaged farmsteads and wasted hamlets of the slain or dispossessed previous occupants; smiling cornfields and green meadows again clothing the slopes and brightening the hollows of the landscape as fair then as now—perhaps even fairer still—with charms belonging to Nature herself.

For the new occupants, owners mostly, are brothers in nation, in blood, in bone and thew and muscle, in spirit and energy and hardihood,—some of them, perhaps, brothers in even a nearer sense,—of the men who colonised Iceland, and wrung a subsistence not so very rude or scanty from its, by comparison, strangely inhospitable shores, and in spite of the obduracy of its winters, the inclemency of its springs and autumns. Fifteen or eighteen of these men, each of them probably men of mark enough to have been "a man under authority, having soldiers under him," and still to have men in subjection to him as his thralls, settled about within the wide area of the district embraced by Old Whitby; and it is scarcely reasonable to suppose that they would sit with their hands folded and suffer the desolation to remain. The ships too that had borne them to the conquered coast, and which could be and were turned to the purposes of commerce when the objects of plunder or piracy or war were not the more potent in their attraction, these were not likely to be let rot in the harbour, or lightly left to be dashed to pieces on the shore in the time of storm.

Reference was made a little above (p. 81) to the wasting of the cliffs at the entrance to the harbour. Speculation need not be altogether vain as to the area and the depth of water

in the Whitby port twelve hundred years ago, before the cliffs just named had shrunk to their present limit of projection, or the Esk in its ceaseless energy of work as the carrier for the mighty agencies of weather and time and the natural causes of earthy disintegration at large, had brought down and deposited the fifty-five or sixty millions of cubic yards of clay and sand and stone which have been allotted to her to transport during that interval of time. But as surely as there was a harbour there, and without question far more landlocked and secure than perhaps we have been in the habit of allowing for, so surely did the keels of the "Old Dane" and the "Northman," —no longer needed to transport fresh hosts of armed men to these shores in order to acquire fresh lands or consolidate past acquisitions, yet still manned by shipmen who were marrows to those who sailed to Greenland and Finland, Constantinople and Africa, trading or fighting as commerce or war seemed the more attractive or the more stirring,—find both a haven and a mart within the bold headlands that guarded the entrance to the ancient harbour of Whitby.

What has been so far advanced may of course be regarded as inferential in its nature; and equally, of course, inferences may be mistaken or wrongly drawn. In the present case, however, there is a great array of fact on which to fall back, and of such a nature as amply to confirm the inference. And first there was (as noticed before) a place within the area of what is now looked upon as Whitby, called Thingwala. This place is mentioned again and again in documents of the twelfth and thirteenth centuries, and even later, and always as a place that was still familiarly known. It is mentioned together with Stakesby and Hawsker and Stainsacre, and other fourteen or fifteen places or hamlets still in being, as well as two or three that have lost the identity they had then. It is not known precisely where it was, but most likely on the line of the cliff at no great distance from the existing ruins. At least, a tradition I have met with seems to point out its absolute site there.

It seems strange that the significance of such a name should ever have been overlooked, not only by the men who had the Whitby records under hand, but even by the more general reader or student. Indeed, it seems strange that any one who had ever read an account not only of the Iceland Thingvellir, but any of the ordinary books of travel or description dealing with the Orkneys, Shetland, Chester, and the Thingwall, Dingwall, Thingvöllr of either or all, should not have had his attention arrested by Charlton or Young's bare mention of the Whitby Thingwala as the name of one of the places conceded nearly at the outset to the renascent Abbey.

And still more, it would have seemed quite impossible for any one moderately conversant with ancient Scandinavian history, or with the Icelandic sagas and the development and practice of Jurisprudence, Polity, Religion described as having their seat and scene in Iceland, and as transplanted thence in divers instances to different parts of our own shores, and in each case associated with the self-same name of Thingwal or Dingwall, not to perceive the weightiness of the suggestion conveyed by the occurrence of precisely the same name at Whitby.

And yet it is, it may be, less strange that the name should have failed to arrest attention than is at first sight apparent. Both Young and Charlton were at a disadvantage. It was with them as with a person who is colour-blind. They were not in a position to see what there was to be seen, from (so to speak) the imperfect development of a faculty. What is meant is this:—They failed to note the nature and therefore the meaning of the phenomena of language, names, characteristics (both physical and psychical) of the people in the midst of whom they lived. The Danish invasions, maraudings, desolatings were all facts to them. But the subsequent Danish occupancy, colonisation, supremacy; the Old-Danish sponsorship for five-sixths of the original place-names of the district, and for not quite as much of the language of the country-folk

as it was spoken in their day; in short, the fact of the Danelagh and the meaning of the Danelagh, where the infusion of Danish blood and old Danish speech was great enough to have inverted Higden's manner of expression about it,—all these matters were not realised as facts by the authors named, and consequently they failed to note either the name Thingwala or its special testimony and import.

But it has been different with others, and many men—among them men distinguished as men of mark in the pursuit of archæological, historical, and philological studies—have accepted the conclusions dealt with above, and all that follows thereupon. And this one local name, Thingwala, especially subsidised as it is by the Thinghows of the interior, goes far indeed in establishing the fact that the ascendancy of the Danish colonists of the district was so real that they not only introduced their language, their usages, their modes of thought, but even their polity both civil and religious. But surely this Thingwala fact—and it is as certainly a fact as that there was a Stakesby, a Dunsley, a Stainsacre, a Hawsker, a Sneaton, an Ugglebarnby, nay, even a Whitby itself, from (let us say) the year 900 onwards—is a fact that is flatly inconsistent with the notion that for two hundred years and more the town of Whitby lay desolate as well as the ruined Anglian monastery.

But that is not all, or nearly all, in the irresistible array of facts tending to prove beyond the possibility of any save ignorant questioning, that Whitby was far indeed from lying desolate from the last quarter of the ninth century to the same portion of the eleventh. On the testimony of Domesday, which is not likely to be set aside as valueless or deficient in authority, we are told that in the Confessor's time, or from 1050 to 1060, Whitby was geldable, or in a position to be assessed to the impost called Danegeld, in the sum of £112, a sum representing more rather than less than £3500 of our present money. Geldable to this amount, the manerium of Whitby with the berewick of Sneaton comprised 15 carucates

of land, and had soke besides in Fylingdales, Hawsker, Presteby, Ugglebarnby, Soureby, Brecca, Florum, Stakesby, and Neuham to the extent of $28\frac{3}{4}$ carucates more.

Now let us compare these figures with those in some corresponding entries in Domesday touching some of the contemporaneously more important localities in Cleveland. The manerium of Lofthus then, with 4 carucates at home, and soke in various other townships and parishes amounting in all to nearly 47 carucates more, was geldable at £48. At Stokesley, with a home manerium of 6 carucates and soke of 34 carucates in other places, the geldable value was £24. At Hutton Rudby, also with 6 carucates and soke of 20 carucates additional in other places, the geldable value was £24. So that, on comparison, Whitby, with a total of $43\frac{3}{4}$ carucates, is rated at £112; Lofthouse, with nearly 51 carucates, at £48; Stokesley, with $40\frac{1}{2}$ carucates, at £24; and Hutton Rudby, with 26 carucates, is set down at precisely the same figure.

Thus Whitby, with sensibly less carucatage than Lofthouse, was very considerably more than twice as productive as regards assessment to Danegeld; with a little more extent than Stokesley, was nearly five times as productive; and with nearly twice as much acreage as Hutton, was yet nearly five times as valuable.

Or, to put it in another way, Whitby was geldable to the amount of upwards of £2 : 10s. for each carucate in the estimate; Lofthouse at not quite 18s. 10d.; Stokesley at 11s. 10d.; and Hutton Rudby at something under 18s. 6d.

Of course, in the face of such statistics as these, it is idle, not to say absurd, to speak of Whitby, town as well as monastery, as lying desolate for over two hundred years, and only reviving after the refounding of the Abbey in 1075 or thereabouts. For really, after making all possible allowance for the probably greater value of land, then as now, when in the vicinity of a place like Whitby, in contradistinction to

more inland and country places like Lofthus, Stokesley, and Hutton, still we are obliged to leave a large margin for value of another kind; such, namely, as would depend on civil and mercantile considerations. That is to say, Whitby at the time of the valuation taken in Edward the Confessor's time, as recorded in the Domesday Book, must have been, for the times, an important, a prosperous, and wealthy town and harbour. Less than this can scarcely be said of a place which was returned as assessed at a sum of £3500 or more to the one specified impost called the Danegeld.

If any word further of explanation is required, it may perhaps be found in Freeman's remark that "along with the Danegeld, a tax which was strictly a tax upon *the land*, came the aids of the towns, an impost which has been held to be in effect the Danegeld levied on those parts of the kingdom to which the reckoning by hides"—carucates in the North—"could not apply." Apply this principle in the case of Whitby, and the figures which have been quoted above will amply suffice to show what an exemplary balance remained to be paid by the *town* after the $43\frac{1}{4}$ carucates in the Whitby estimate had already paid their quota. Could a town that was still in a state of ruin and desolation have done this?

FURTHER HISTORICAL SHREDS TOUCHING THE REFOUNDING OF THE MONASTERY, FIRST AS A PRIORY, AND EVENTUALLY AN ABBEY

WHAT has been remarked on the subject of the Restoration of the Monastery of Whitby in the Introductory Chapters of the *Whitby Chartulary* is as follows: "The history of the earlier steps taken in the refounding of the monastic House of Whitby is involved in very great obscurity and beset with much perplexity; not because there are no ancient records treating of the subject, but because these ancient records are so hopelessly inconsistent, and indeed in no small measure irreconcilable with each other, that even a probable approximation to the truth becomes extraordinarily difficult."

These records, together with the estimate formed, after much and careful consideration, by the writer touching their authenticity and value, may be briefly set down as follows:—

I. There is what is usually described as the "Memorial of Benefactions," which is clearly the most ancient writing in the Abbot's Book or Whitby Register, and which, being certainly of a date anterior to 1175, may thus claim to be considerably earlier than any other of the records in question save only Domesday, and by a less space than the notice by Symeon of Durham. As to the authenticity and authority of this document, it would seem that almost complete credit may be given to its statements, and that thus its historical value is of a high order.

II. Secondly, there is the statement given by Symeon of Durham, which also may be accepted as distinctly authentic, but which is necessarily brief, and contains merely bare facts without much, if anything, of the nature of detail. In fact, what is said is that Reinfrid, one of three monks who had left the Convent of Evesham together, in order to strive to restore religious life in the North, came to "Streoneshalc, which is also called Hwitebi, where, receiving all who came to him, he commenced a regular monastic establishment."

III. Thirdly, there is the story given in the narrative which purports to be by Stephen of Whitby, touching the foundation of St. Mary's Abbey at York, and which there can be no hesitation in describing as eminently untrustworthy. It is ascribed to the pen of Stephen himself; but regarded from that point of view, it can only be spoken of as a forgery. Besides, it is what may be fairly characterised as a sensational fiction rather than a sober history; and it was probably written by a monk of St. Mary's long after Stephen's decease, and with the object of enhancing and magnifying his fame.

IV. Then, in the fourth place, there is the relation of the troubles which befell the rising community at Whitby in the time of Rufus. This is derived from the Dodsworth MSS., and is therein said to have been taken from a book or books formerly in the possession of the Cholmley family, but of which no trace has been met with for many generations. This too, while dealing with facts, as Stephen's narrative does, deals with them in a way which is inconsistent with other and well-ascertained facts, and may therefore, as to many of its details, be treated as a fiction founded upon fact, and only be depended upon when its statements are not either directly or indirectly contradicted or invalidated by better authority.

V. Fifthly, there is the testimony which may be collected from the very numerous documents, copies of which are found in the two Chartularies of the monastery yet extant, one of them in the possession of Sir Charles Strickland and the other in

the British Museum; from a variety of MSS. preserved in the Bodleian Library at Oxford, in the British Museum, in the Record Office, and elsewhere; besides the books of the Archbishops in the Registry at York, almost all of which are of true historical value, and many of them of exceeding interest as well.

VI. Lastly, there are the notices in Domesday touching Whitby and Hackness; and the inferences, some of them plain and inevitable, others of them more of the nature of presumption, which may or must be derived therefrom.

All that can be done in this place, however, in reference to these several sources of history as bearing upon the details connected with the refounding of the Abbey, is to make a brief and plain statement of the results of the long-continued and very careful collation and consideration of them with which the writer has been engaged over a space of more than thirty years. These results were thus summed up in the historical recapitulation printed at the close of the Introductory Chapters to the author's volumes (published by the Surtees Society) of the *Chartulary of Whitby:* although it ought to be premised that there are two or three points, to be indicated in their proper places, as to which a more definite opinion has been arrived at than when those words were committed to the printer's hands.

"On the whole, the history of the renascent monastery may be read somewhat in this way: At or near the date alleged (some definite but not very long time before the year 1078), a monk named Reinfrid (Regenfrith) came to Whitby. He had been an active and energetic officer in the Conqueror's service; he was connected by marriage or otherwise with well-known and important families; and more than presumably he had been an agent in carrying out the terrific wasting to which the North had been subjected in the year 1070 by William's orders. Struck with compunction, he had retired to the Convent of Evesham, and there had been duly trained

and instructed in the duties and practices of a monastic life. Filled with an ardent desire to be instrumental in the revival of religion in the North, he, with two others like-minded with himself, penetrated eventually to Jarrow, and in the sequel came on by himself to Whitby. Here, before long, he succeeded in collecting a body of would-be 'Religious'; having already, it may be presumed, ascertained the willingness, if not more than willingness, of William de Percy (then apparently the mesne lord of the entire Whitby district) to sanction the undertaking and further his objects by at least giving leave and licence to occupy the site and the remains of buildings, together with the ancient appurtenances, of the original monastery.

"This concession, however, if not made at once, speedily ensued; and a settlement having certainly more or less of monastic form and order was organised and effected, assuredly before the year 1080. Reinfrid continued to act as head or superior of this monastic establishment, bearing the title of Prior—a title which endured throughout a period of several years. And it is not unimportant to remark that, at and after the date of the refounding, the House was a Priory and not an Abbey.

"Under Reinfrid's government certain accessions accrued to the lands and church already assigned to the brotherhood; notably the church or chapel of Middlesbrough with its tithes, the latter payable out of a considerable district; and also, not less notably, the church of St. Peter at Hackness, or, in other words, that one of the two churches there that had been attached to the Cell which, in the old days, had been a dependency or appurtenance of the Streoneshalh monastery; and, together with the said church, two or more carucates of land in the same vill.

"During the incumbency of Reinfrid, Stephen, afterwards the first Abbot of St. Mary's at York, joined the brotherhood; and being a man of position and importance from the worldly

point of view, and of considerable capacity as well, conceived himself, and was considered by a not inconsiderable party amongst the brethren, to be a suitable successor to Prior Reinfrid when the career of the latter was cut short by his accidental death, occasioned as it was while helping in the labour of constructing a bridge at a place called Ormesbridge on the Derwent. The Percy family, however, preferred one of themselves (a brother of the founder, in point of fact, who was already a monk of some standing in the monastery, and who when he joined the fraternity had brought with him a considerable addition to the endowment) as the successor to the vacant Priorate, and consequently Serlo de Percy was made Prior in the room of Reinfrid."

About or not long after this time, in all probability, Stephen departed—in the Introduction to the *Whitby Chartulary* it is said that he "seceded"—from Whitby, and with a possible halt at Lastingham, went on to York, where eventually, indeed no long time afterwards, he became Abbot, the first Abbot, of St. Mary's Convent.

"The word 'seceded' was employed in the place referred to because it seemed quite probable that Stephen, under the influence of disappointment or irritation—it might even be of ambition—might have resolved on some such line of action. In the Chronicle of the Monastery of Meaux it is directly affirmed that a party of monks issued forth from the monastery of Whytby with the object and for the purpose of initiating the monastery (*ad inchoandum monasterium*) of Blessed Mary of York. That Stephen was at the head of this party can hardly be a matter of doubt or question, when it is borne in mind that he actually became the first Abbot of the nascent Convent."

Assuming the statement thus made and the inference from it just adduced to be true and valid, there is afforded an explanation exactly where an explanation is required. It is obviously very far from unlikely that such a man as Stephen

evidently was, should aspire to succeed to the Priorate on the untimely decease of Reinfrid, and still less so that he should be disappointed by the natural, not to say inevitable, preference of a member of the founder's family over himself. If it was so, it would be a strong additional reason for his selection as the head of the body of monks who were deputed by the Whitby brethren, or, to say the least, went out from among them, to formally commence and organise the monastic settlement "in honour of the Blessed Mary" at York. And even if it were otherwise, his recognised fitness and capacity—and from both points of view, the secular as a man of evident mark, and the religious as an adequately trained director of monks—might and would be amply sufficient to induce his appointment as their leader and eventual Superior. In a few words, we seem to be amply warranted in assuming that Stephen's withdrawal from Whitby depended upon some such considerations as those suggested in this paragraph.

To resume the thread of the narrative of the sequence of events as they transpired during the first stages of the refounding of the Whitby monastery: "Serlo de Percy had become Prior in the room of Reinfrid. Further concessions were made to the Convent, just as some additions had been made when he took upon himself the monastic profession and became an inmate of the monastery; and the renascent foundation and its head became invested with considerable influence and prestige."

It is true there were certain breaks in or checks to its prosperity, and possibly at an early period of Serlo's presidency, under the attacks, as it is alleged, of pirates, marauders, and banditti; and thus a retreat to the Hackness cell for a time became compulsory.

Still these breaks or checks were but temporary, and the House continued to grow in wealth, influence, and importance. "And it was while this was so that William de Percy, the founder, animated by the same religious fervour which sent

him forth as a crusader, to meet his fate in the Holy Land, conceived the idea in its positive form of converting what had hitherto been comparatively a somewhat unimportant Priory into a well-endowed and influential Abbey; and his own grants and donations being largely supplemented by others from various members of his family, and from a number of his sub-infeudatories, and other men of note besides, the proposed change was effected, and William de Percy, nephew of the founder and of Prior Serlo, was advanced to be the first Abbot."

It is of course possible that this was done with the full approval and concurrence of Serlo; but it seems to be more likely that it was otherwise, and that the change was brought about rather by the virtual supersession, than in virtue of the voluntary resignation, of the incumbent Prior; who, however, it is known with entire certainty, retired to the Cell of All Saints at York, and continued to be Prior there for several years after the constitution of the Abbacy of Whitby.

But whether he ceased to be Prior of Whitby by supersession or by resignation, a foundation might easily be found, in the fact of his ceasing to be Prior just when his nephew was advanced to be Abbot, for the stories compiled by writers living probably some generations afterwards, about the variance between the two brothers, William the Founder and Serlo the Prior, and the persecution the latter was represented as having undergone at the hands of his, as alleged, unscrupulous relative;—a man whose last recorded act, notwithstanding, is a munificent deed of gift to the self-same object of persecution and his canons!

A few special words should be written touching the migration of the brotherhood of the monastery to Hackness, which, it would be observed, was alleged, not merely suggested; and also as to the corresponding manner in which the retirement of Serlo to the All Saints Cell as its Prior was distinctly affirmed. There is absolutely no doubt on either head. In the

Liber Vitæ of Durham there is a note which has been copied in one of the Cotton MSS., and also in one place at least in the Dodsworth Collections, which mentions a *conventio* or covenant between the monks of Durham and those of, not Whitby, but Hackness, with Serlo distinguished by name from among the rest, and in such wise as only the head or Superior possibly could be.

And as to Serlo's retirement to the presidency of the York Cell:—Certainly Dr. Young ventures the statement that he was succeeded by his nephew, William de Percy, who "obtained the title of Abbot," and notices the obscurity touching the date of his death, and obviously regards the succession of the nephew as consequent on the death of the uncle; and Charlton, with his characteristic dogmatism as to dates as well as other matters, states on the authority of his own *ipse dixit* only that "Serlo continued to preside with great reputation as Prior for almost twenty years, and died about the year 1102 . . . being succeeded as Prior of Whitby by his nephew William"; but all the same, there is a charter by Nigel de Albini in the Whitby Register or Abbot's Book, the date of which charter lies between the years 1108 and 1114, which expressly mentions Prior Serlo and the other monks of the Cell of All Saints in Fishergate at York, besides the corroboration of the same fact obtained from another charter by the same grantor still extant at Durham.

ADDITIONAL NOTES ON THE CHANGE OF THE PRIORATE INTO AN ABBACY, AND INFERENTIAL MATTERS THEREWITH CONNECTED

I HAVE spoken in the preceding section of the elevation of the original Priory into the eventual Abbey, and of the supersession or resignation of Prior Serlo as probably being inseparably connected with it. I think, however, that in a book of this sort it would hardly be fitting to speak of a matter of such weight only in the way of a passing reference. Hence I introduce the following, mainly from the Introduction to the *Whitby Chartulary.*

It is distinctly asserted by the writer of the earliest document contained in the *Chartulary,* usually spoken of as the "Memorial of Benefactions," that Serlo de Percy was created Prior on the death of Reinfrid, and continued in that office until such time as William de Percy, nephew of the founder, was created Abbot; and I have above adverted to the possibility that this transaction, especially if regarded from the supersession point of view, might perhaps afford some measure of explanation as to the alleged variance between the two brothers, —the founder, namely, and the second Prior.

As to the fact of Serlo's withdrawal, whether consequent on supersession or on resignation, there can be no possible doubt. There is a charter granted by Nigel de Albini, the date of which (as previously mentioned) lies between 1108 and 1114, by which the grantor restores to God and the Church of

All Saints in Fishergate, at York, a certain half-carucate of land at Thorp, near York, with the explicit direction that Serlo the Prior and the other monks of that same place should have and hold the same. And it is to be remarked that while Whitby is not so much as named, or even referred to, in the terms employed, the church itself, which had been granted by William Rufus for the establishment of a Cell there, is both named and described with more than the accustomed precision: "Deo et ecclesiæ Omnium Sanctorum . . . scilicet ecclesiæ quæ est in Fisergate apud Eboracum." There can, therefore, be no doubt at all as to the position Prior Serlo held at the date of the charter in question. The clause "Prior Serlo et alii monachi ejusdem loci" can be understood but in one sense; namely, that Serlo had ceased to be Prior of Whitby, and had become simply Prior of the All Saints Cell at York.

Now, such a change as this could have been effected but in one of two ways,—either with his acquiescence, or against his will, and as the result of influence brought to bear upon him, of such a nature, whether suasive or compulsory, that he was unable to resist it. In the latter case the fact of the variance, its nature, and its probable acerbity must all be admitted; in the former, when we take into consideration the strangely loose and inaccurate way in which the writers of such narratives as that of the alleged Stephen, of the Dodsworth Memoranda, and even some later scribes of the monastic period, put their materials together, there is no difficulty in accounting for such tales as those which convey to us all the information we possess as to the alleged variance between Serlo and his brother, and particularly as to the attempt and desire of the latter to take back all his former gifts to the monastery. On the whole, there seems to be little doubt that William de Percy did, for some reason or other, press or perhaps force upon his brother the resignation of the headship of the Whitby Monastery; and that this pressure

was applied at the time when he had made and been enabled to carry out his plans for the constitution of an Abbacy in place of the hitherto existing Priorate.

As to the time when this change was finally carried out, although there are no precise or exact dates available, still there are facts and considerations such that a safe inference may be founded upon them; and also, perhaps, a further inference as to at least a part of the reason for the royal assent being given to such a change.

In a previous Section it was remarked that there were evidently at least two periods at which donations were made by the Founder to the rising Religious House—the first at or about the time when Reinfrid arrived and commenced work at Whitby, which also may, without violence, be held to include the augmentations conceded on occasion of his brother Serlo's admission into the number of the monks; the second, that which is marked by the charter in which his wife, his heir, and two other sons are named as "concessores" together with himself, as well as acting as witnesses to the grant made. That this charter was executed after the commencement of William the Second's reign, is clear from the fact that he is mentioned in it as the regnant king; but at what particular period of his reign there is nothing in the charter itself to indicate with precision. Nevertheless it would seem possible to infer the probable date, approximately at least, from some considerations suggested partly by historical fact, and partly by the wording of the charter. The Founder, as is well known, took part in the crusade of 1096-97, and on the authority of the "Memorial," died on the march to Jerusalem, at a place called Mons Gaudium, within what the writer designates "the province of Jerusalem." This would of course be after the rendezvous at Constantinople in 1097; but how long after there is no means of ascertaining, and it is not material. But it is to our purpose to remark that William de Percy's last and enlarged grant must have been made before he set out to join the crusading

host, and doubtless before he made his final preparations for so formidable an expedition. Indeed, no more plausible suggestion can well be made than that the resolution to take part in the crusade, and the resolution to constitute an Abbey in lieu of a Priory at Whitby, and endow it with accordant liberality, were probably contemporaneous, or at all events due to the same religious impulse. And there certainly are features in the charter in question which seem to bespeak the presence of more than usual earnestness and solemnity in the grantor's mind and intention. The Archbishop, besides the founder's wife, his heir, and two other sons, with his kinsman Ernald de Percy (the founder of the Kildale family), and Gilbert FitzAdelard, are all present, and all formally uniting with himself in the grant, concession, and confirmation of his munificent donation: "Huic dono affuerunt testes et concessores Thomas Archiepiscopus Ebor., Emma de Port, uxor mea, Alanus, Walterus, Willelmus, filii mei," etc. Surely no occasion can be imagined more suitable to call forth such unusual manifestations, on the part of a great benefactor, of an earnest solicitude that his grants should have every possible sanction, and especially on the part of those most nearly concerned in the lands and possessions proposed to be, and now actually and formally, alienated, than one on which the said benefactor stood on the verge of an enterprise, in which, advanced in years as he already was, he was about to expose himself to all the perils of travel and hardship, sickness and warfare, and from which, humanly speaking, the chances of his return in safety could scarcely in any sense be considered hopeful.

But there is still another point in this charter to which attention should be given; I mean the terms in which the object for which the old grants are confirmed and so largely augmented by new ones, is specified, namely, "ad fundandam Abbatiam olim destructam" (for the refounding of the Abbacy long ago destroyed). It being the fact that, unquestionably

within the four years next succeeding our assumed date, the Priory was erected into an Abbacy, the language employed does appear to be significant; and the circumstance that the grant is made to Prior Serlo and the monks serving God at Whitby makes it in so far more probable that the measures which were already taken, or were to be taken in the near sequel, for raising the house to a higher dignity were designed and carried out with the existing Prior's acquiescence if not concurrence. Probably, too, the formal appointment of the first Abbot would follow at no very remote date after the execution of the charter and the formal completion of its purpose.

At least this much is certain, that William de Percy had been created Abbot antecedently to the year 1100; and among the charters printed in the *Chartulary* is one by King Henry the First addressed to Thomas, Archbishop of York, Osbert the Sheriff (of York), Nigel de Albini, and Aschetil de Bulmer, which contains the following remarkable clause: "Sciatis quod Willelmus, Abbas de Whitby, et monachi illius loci dederunt michi in forestis suis omnes cervos et cervas et porcos, et ego illas forestavi michi et haeredibus meis." (Know all of you that William, Abbot of Whitby, and the monks of the same place, have given to me in their forests all the stags, hinds, and boars, and I have afforested the said forests to myself and my heirs.)

That this concession on the part of the Whitby Convent had been made in consideration of some countervailing grant or concession on the king's part, may of course be looked upon as a certainty. Equally of course it may be suggested that it was made in return for the full confirmation which the latter part of the charter conveys. But the Confirmation, save only that it is prefaced by a declaration on the part of the king that he takes no rights in the woods and pastures belonging to the Abbey, save those of the forest only, is in no respect different from the ordinary royal charters of

confirmation; and these were customarily paid for by the recipients at the cost of a few pounds only; and there could have been no difficulty to the Convent in meeting such an expense as that. The concession of the forest to the king, then, must have been made on some other consideration than that involved in this possible suggestion.

To me it seems probable that this sacrifice on the part of the Convent of rights so highly prized as were the forest rights which had been surrendered to Henry, may have been made conditionally on the creation of an Abbacy in place of what before had been merely a Priory.

It should be remarked, in the first place, that the king's charter is an *ex post facto* one: "Et ego illas forestavi michi et haeredibus meis." Not only has the concession been made by the monks, but the king has already acted upon it by taking all the proceedings necessary towards constituting the forests in question part and parcel of the Royal forests. And in the second place, that the said proceedings were not reversed until the reign of John, who in the year 1203 restored to the convent precisely what the convent had conceded to Henry I. just two or three years more than a century before.

Whether the suggestion made above involves or implies the explanation of the remarkable surrender by the Abbey of all its extensive and important forest-rights to the king or not, must be a matter left to the consideration and judgment of the critical reader. But there is yet another matter for notice, not entirely unconnected, which may as well be mooted in this place. What I mean is that in the yet existing documents we have many tokens of rearrangement of fees, or portions of fees, some dependent on a change of the tenant *in capite*, others on possible exchange or sale, or, it may be, even on an entirely new grant emanating from the rightful authority.

Thus it is perfectly evident that at the time of the charter by William de Percy the Founder, to which not

only his wife, Emma de Port, but specially his son and heir, Alan, is a party, William de Percy himself (as is the case also with his said son Alan quite early in the first Henry's reign) has become tenant *in capite;* although we have no hint as to the time or the manner in which he had become so, or as to any consideration or compensation made on that account to Earl Hugh of Chester, who was the previous tenant *in capite.* But independently of this, which could only have been brought about by the direct consent and co-operation of the king, we find in the same charter evidences of further change, involving similar royal action of even a more direct nature still. In the Domesday Record we have mention of the manor of Walesgrif (now Falsgrave) with the berewic of Nordfeld, as a part of the Terra Regis, and, appertaining thereto, soke of Tornelai. Suffield and Everlay, however, are named as in William de Percy's Hackness fee, either as parcels, or as appurtenances thereof. But the charter under note, after detailing the grants and donations made to the Convent at and near Whitby, and also of Hackness and the two churches there, goes on in immediate connection to specify as follows: "Et Norfelt et Sudfelt, Everlaye et Brokesaye et Tornelaye," with all their appurtenances. It is certain then, that, in the presumed rearrangement of fees or portions of fees, which must, as we see, have taken place after the date of Domesday, and most likely in the earlier years of Rufus' reign, the king had over and above, or independently of, his own royal gift of lands in Hackness and Nordfeld, with others in Burniston, made over to William de Percy, to be, for the future, appurtenant to his (de Percy's) manor of Hackness, all rights whatever involved in the soke of these (geographically-considered) portions of that territory. And one can hardly help concluding that such surrender was made by the king with the distinct object of enabling William de Percy formally to make good the Abbey's title to the whole

district embraced in what is now looked upon as the parish of Hackness.

It is unnecessary to pursue this line of remark any further in these pages. From the time that Alan de Percy begins to grant charters on his own sole account, and royal charter succeeds royal charter, the early history of the restored Abbey, although the materials may be meagre, becomes fairly free from the doubts and uncertainties consequent on such inconsistencies and contradictions as those we have had occasion to remark upon above. Grants, donations, and concessions flowed in rapidly, and from many different sources during the reign of Henry I.; and I think especially during the early part of it, and possibly in the later years of William Rufus; and copies of many of the charters conveying such grants and concessions are still extant, on which notes and commentaries may be found in the *Whitby Chartulary* referred to once and again in the preceding pages.

SUCCESSIONAL CHURCHES AT WHITBY AND FABRIC NOTES

THIS book would, I am afraid, be looked upon as imperfect were it to include no notice of the material fabric of the Abbey and its church, and especially of the small remaining fragment of the latter which still remains to justify our admiring gaze. One needs no considerable architectural knowledge and experience in order to be sensible of its singular beauty and even grandeur. Among the remains of ancient conventual churches with which we may be acquainted there seem to be few that surpass Whitby in symmetry, grace, and beauty, and the charm of all these qualities united is of no ordinary kind. It is not simply the composition of "the matchless eastern elevation" of the choir, or other portions of the building, or the grace of the grouping, or the tender handling of the mouldings, or the lovely ornamentation of the sculpture, and the like; but there is something which grows on the beholder, impresses him with an idea of beauty and grandeur which is almost mysterious. It is as when a man, who has not the advantages of an imposing presence or majestic stature, yet impresses on his hearers, associates, or contemporaries the conviction of his essential greatness, power, or perhaps majesty. Just so, Whitby is not a large church, rather the contrary. And yet there are impressions produced on the mind of observant and thoughtful visitors such as are usually associated only with great expanse or majestic proportions.

From a drawing made from under the Tower previously to its fall.

To face p. 119.

And this is but one of the claims on our admiration, silently but forcibly put forth by this remnant of the work of other and elder days. The somewhat mysterious influence just spoken of is there, but there is besides a subtle beauty and power which twines itself about our affections, and fills us with a loving, longing recollection that is slow to fade from memory for long years after other Whitby associations have practically passed away.

Before proceeding to notice more definitely the indications which yet remain of what the Abbey church must once have been, it will be well to remark that as early as Serlo's Priorate, or, in other words, before the close of Rufus' reign, there was, as is disclosed by a charter granted by Uctred FitzCospatrick, a "Magister operationum ejusdem loci" named Godefridus—that is to say, one who was, to all intents and purposes, professionally engaged in designing and constructing the buildings of the new foundation; and first and foremost, as it cannot so much as be questioned, among those "works" or buildings must be the church in which the brethren were continuously to serve God in the way of prayer and praise.

This is a very important fact, and assuredly one that should not be overlooked, that before the year 1100—probably between 1095 and that year—church-building especially, as well as other works of construction, was being pushed forward at Whitby.

The fact is, I repeat, an important one, and in the following connection as well as others: I mean in respect of the notion there is abroad that there was no stone church built at Whitby before that one the ruins of which we still have before our eyes. That notion, however, is certainly erroneous. More probably there were three; and even, in a certain sense, four.

In the first place, quite independently of historical testimony, it is altogether impossible to assume that a place like Streoneshalh, so important alike in its connections and influence, and so widely famous throughout the North, should alone have been left without more abiding buildings than the

probable wooden ones of her earliest days. Were there nothing else than the fragment of the shaft of an Anglo-Saxon grave-cross which lies just within the wicket-gate that gives admission to the Abbey grounds, or the fine similar shaft still standing at Hawsker, in the way of wrought stones belonging to that period, it would be quite enough to establish the fact of the necessary existence at Streoneshalh of stone buildings. Besides, the remains of the same era belonging to Hinderwell and Hackness (pre-eminently the latter) all corroborate the same view; while the positive testimony of the writer of the "Memorial of Benefactions" would, if necessary, place the matter beyond the reach of possible doubt. It is as follows: Speaking of the grant of the "hallowed place" to Reinfrid by William de Percy, he mentions a fact which is full of significance as to what the monastery had become before that great ruin at the hands of the Danes had come upon it. "There were at that time," he says, "in that vill of Presteby, as ancient men of the country have delivered to us, almost forty cells or oratories (*monasteria vel oratoria*), only the walls of which, however, with the disused and unsheltered altars, had remained in being, owing to the destruction wrought by the piratical host."

Now, while from the numbers specified we may gather something as to the eventual magnitude and extent of the Anglo-Saxon establishment, we are certainly not left in uncertainty as to the massive nature of the buildings—ecclesiastical buildings, moreover, from the particular mention of the "altars"—which had replaced the more than possibly rude and frail structures of the earlier settlement. Walls and altars which still retained their form and consistency after two centuries of exposure and neglect, over and above the violence of the original havoc, must have been well built as well as strong and massive.

But I do not think that the nature of the language employed in speaking of these ancient and much-enduring remains of the old monastery should be left unnoted and with-

out commentary,—"nearly forty *monasteria vel oratoria;*" that is, according to the literal meaning of the words made use of, places where people lived alone, or places where prayer was wont to be made.

Now, in speaking of the early monastery at Coldingham (about contemporaneous with that established by Hild at Streoneshalh) Baeda makes mention of the many several "casæ vel domunculæ quæ ad orandum vel legendum factæ erant" constituting the establishment, and each occupied by its own specific inmate; in English, little cots or dwellings built for praying or reading, as well as for separate occupation or living in by the recluses. The same thing appears again in notices of the monastic establishment at Iona, not to mention other accounts. "Within the enclosure was a *plateola* or open area, surrounding or beside which were the lodgings (*hospitia*) of the community. They appear to have been huts, originally formed of wattles or of wood. External authorities call them *bothæ, cellæ, cellulæ*" (*Historians of Scotland*, "Life of St. Columba," p. 120). But the "most important building was the *sacra domus*, indifferently called *ecclesia* and *oratorium*. It was provided with an *altarium*, remote from the door, and on it the customary vessels" (*Ibid.*) Again, in one instance quoted in the notes to the same book (p. 240), mention is made of three churches within the enclosure, together with the *cellulæ* of the monks. In this case there would have been several altars; and no doubt, in such an establishment as the Streoneshalh monastery had grown to be, probably even before Abbess Hild went to her well-earned rest, there would be much more than one single church. But even if there were not separate or several churches within the sacred enclosure,—an assumption which is made all but, if not quite, compulsory when we recall the very great accessions to the number of worshippers incident on the visits or permanent residence of royal or other visitors, religious refugees, men in course of training for monastic or missionary work, elsewhere as well as at Streones-

halh itself,—still there might well be, almost of necessity must be, many altars within the precincts of the main church of all. And thus, besides the confirmation of the truth of the narrative incidentally afforded by the mention of sundry and manifold *oratoria*, we may easily apprehend the explanation of the fact that there were several or many altars still or recently extant when Reinfrid began his work on Priestby heights, which the Memorialist identifies with the more ancient Streoneshalh. But we may also learn something from the parallel cases at Jarrow and Monkwearmouth. Symeon of Durham, giving an account of the journey of Reinfrid and his two companions, says they came first to Munecaceastre, and thence, at Bishop Walcher's instance, proceeded to Jarrow, where he granted to them the monastery of St. Paul the Apostle (which had been originally built by Abbot Benedict); and this is his description of its condition: "The walls were still standing, but roofless, and with scarcely any marks of their original greatness about them. On these walls they placed a roof of unshaped timbers and dry herbage, and straightway began therein to celebrate the offices of divine service. They made for themselves also a cabin (*casula*) beneath the said walls, wherein to eat and sleep, and lived a hard life on the alms of the religiously disposed."

I must ask special attention to the fact that Reinfrid, the first Prior of Whitby, was one of the three named; and surely that which he had seen done, and helped in with his own hands at Jarrow, would not be without its practical influence and operation when he came to Whitby and had grant, with unconstrained power and liberty to make the best of what was granted,—that is, of a place with its remains so precisely parallel to Jarrow and its roofless walls. At Whitby too, unsquared timbers and rushes for thatch—the material used systematically for such purpose by the monks in after ages, and by the country people of the district still, for covering purposes—would be available in any quantity, and a hastily repaired

church would be extemporised. In effect, this would in no long time, when the earliest leisure of the gathering and earnest-minded community permitted, become a more carefully repaired or, shall we say, "restored" church, and as such, practically a second stone church.

But it did not stand long in the greater seemliness of its restoration. For in the time of King William Rufus—and we may safely attach confidence to the statement made to that effect, although we meet with it in an historical account of questionable accuracy in other matters—"banditti and plunderers emerged from the woods and their lurking dens, and carried off all the goods of the monastery, laying the sacred place itself utterly waste. Pirates also came and pitilessly ravaged and devastated the entire settlement." And on this account it was that what I have spoken of as the retreat or retirement to the Hackness Cell became compulsory.

However, the evil times of brigandage and piratical invasion passed away, and more prosperous times dawned upon the monastery; the monks, with Serlo at their head, returned to the time-honoured and venerated site; building works were resumed, and, as we have so lately noted, under the professional guidance and direction of Godfrey, the "Magister operationum illius loci."

Fifty years of peace and prosperity seem then to have been enjoyed by the Convent, and there can be no doubt whatever that the church which Architect Godfrey was employed upon, so far as all the wants of a monastic community—quite sufficiently exacting—were concerned, became a completed building. And this, then, continuing our former enumeration, was the third stone church. For less than a stone church at this date assuredly would not meet the requirements. A *casula*, a mere cabin in which to eat and sleep, might serve the personal wants of an early fraternity, but for the service and honour of God not "a building that cost them nothing." Advancing with the years, and arriving at the end of the just-named half-century

or so of peace and prosperity, we have this to note: During the time of the first of the two Abbots named Richard, or between 1148 and 1175, "the King of Norway entered the port of Whitby with many ships, ransacked the goods of the monks, laid waste everything both within and without, and, though he shed no blood, yet he carried off with him whatever he could find; so that they who by the management of their Abbot had grown very rich now became very poor, the rapacious Norwegians having left them nothing."

"Laid waste everything, both within doors and without," are the words; Architect Godfrey's church, it stands to reason, as well as the rest—conventual buildings, granges or farm buildings, and whatever there was to be ruined by violence or by fire.

Yes, but we have to wait until 1220 or thereabouts before the first stone of the church, the grand remnant of which still stands to greet our eyes, was laid. Fifty or sixty years then had elapsed since the ruinous visit of the Norwegians; and surely no one with the slightest thoughtful consideration of the question will propose to us to believe that during all those years of that architecturally wonderful period, the twelfth century, no church-building was done at Whitby. Hinderwell, Danby, Egton, Ingleby Greenhow, Liverton, Easington, Faceby, Yarm, and a noble array of other contemporaneous churches throughout Cleveland, all raised, and many of them with much decorative detail, during that period, would put us to open shame if we did believe it; two of the churches thus named being, in point of fact, mere dependencies of Whitby herself. So that we should have to assume that the church of "the House" itself was left in its meanness or disrepair, while those of mere appendages of the House were duly, reverently, or munificently cared for! Nay, the Whitby parish church, which, as built at all, must of course have been built by the Convent, was itself built from choir to nave during this same period.

We must assume, then, the construction of another church, and necessarily a stone church, between 1160 and 1220; and that would be the fourth in our enumeration. The absence of any fragments of carved or moulded stone (the remains of either of these previous churches) in the rubble of the existing ruins is a feature which has been dwelt upon by many other writers besides myself; and it certainly is a feature that should not be passed by quite without notice. The absence of such stones is not, however, so total as has been assumed, inasmuch as in some of the fallen masses towards the western end of the church stones marked with what are apparently Early English mouldings may be detected in different parts of the rubble. Still, there is a remarkable paucity, or rather absence of such stones in the more central and easternmost parts of the building; and especially of any stones that could have been used in a Norman building. If an observer inspects what is left of the other great conventual church of the district, namely, that of Guisborough Priory, he will not fail to have his attention arrested in the course of the briefest examination by the striking evidences that the materials of an earlier structure had been available to the builder, and in no niggardly quantity. He may not be aware that the earlier church was destroyed by fire in 1289, but he will be forced to observe that destruction in some shape had preceded the building efforts of 1300. It is quite otherwise at Whitby.

Two or three suggestions may be offered, not as altogether explanatory of the circumstance under notice, but as possibly furnishing what may prove an occasion for explanation.

In the first place, it is hardly likely that quite different sites would be adopted for these successive churches; perhaps a more appropriate mode of expression may be that it is morally certain that the successive churches we have assumed would all, practically, be built on the same site; the space of consecrated ground would religiously be adhered to; partly, no doubt, because of the cemetery for the deceased inmates of the

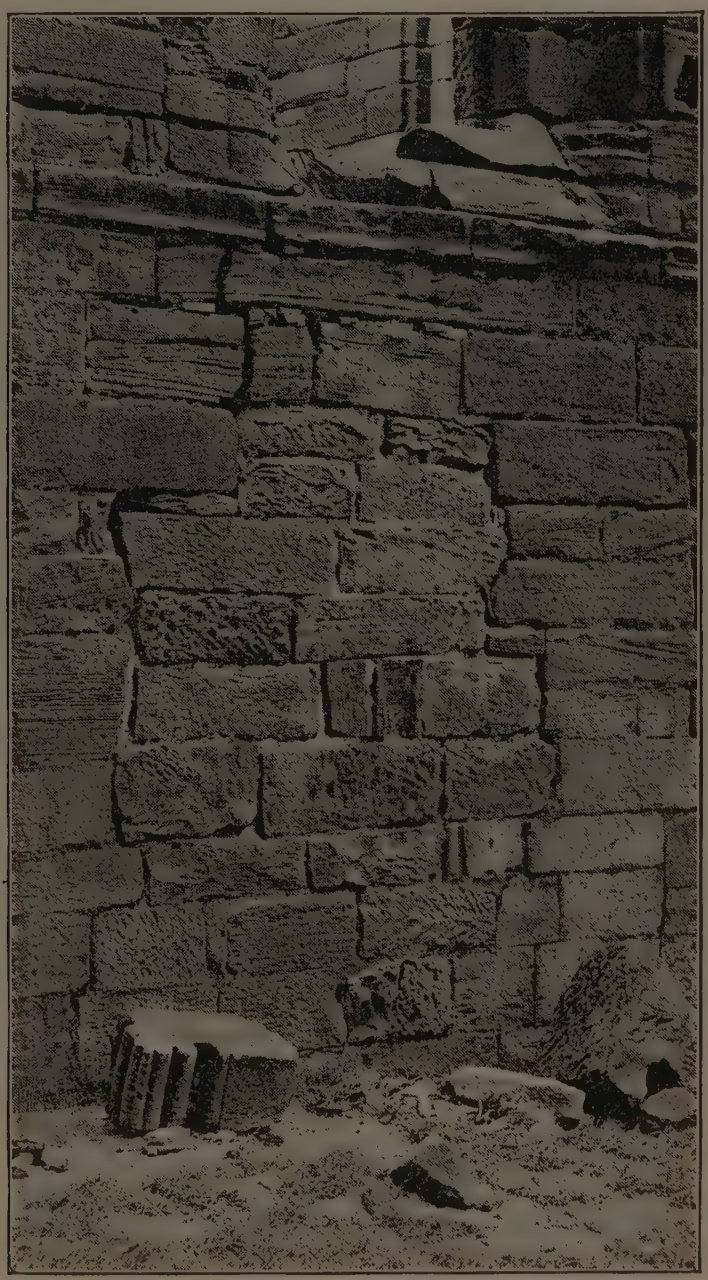
monastery, and partly for the sake of the hallowed associations of past times. But with such disasters successively, and at such brief intervals, affecting not only their buildings but their material resources, we may safely assume that the restored churches were, as regards dimensions, simply such as the exigencies of divine service required; though no doubt rendered as seemly, and even as handsome and artistic, as the means at the builders' command permitted. Even after years of unchecked prosperity, and with an able and energetic Abbot at the head of the Convent, the choir alone of the existing remnant, with hardly a rood of mason-work beyond its limits, was completed before the work which was destined to become the wondrously beautiful church of St. Peter and St. Hild came to its first pause. Much more then, after such a harrying as that by the Norwegian king, the restored or rebuilt House of God might be by comparison small and limited to just that part which was adequate to the end in view; and just as the contemporary choir of the cathedral church at York was singularly short and narrow in proportion, and remained such until replaced by Archbishop Roger's chancel more than half a century later, so the choir of the last early church at Whitby may have been not only proportionably small and narrow, but so placed as to allow the structure the remnant of which we are acquainted with, to be begun, as usual, from the east end and pushed forward until sufficiently advanced to be available for the celebration of the wonted services, without in the least interfering with the being or the utility of what we know must have been its practically make-shift predecessor. Nay, in noting the last pre-Dissolution work done at Bolton Abbey, we may see for ourselves how reconstruction could be and was entirely consistent with the steady and stately continuance of the daily and nightly conventual services.

Yet further: the assumption that the church built or reconstructed during the second third of the twelfth century was thus suffered to stand until the still-existing choir was so far

Interior, looking west, with remains of Great Entrance and Perpendicular Windows in the North Aisle of Nave.

To face p. 127.

completed as to be ready for service, tends in rather a striking way to explain the fact that no traces of any material employed



Line of cessation of first building effort—Interior.

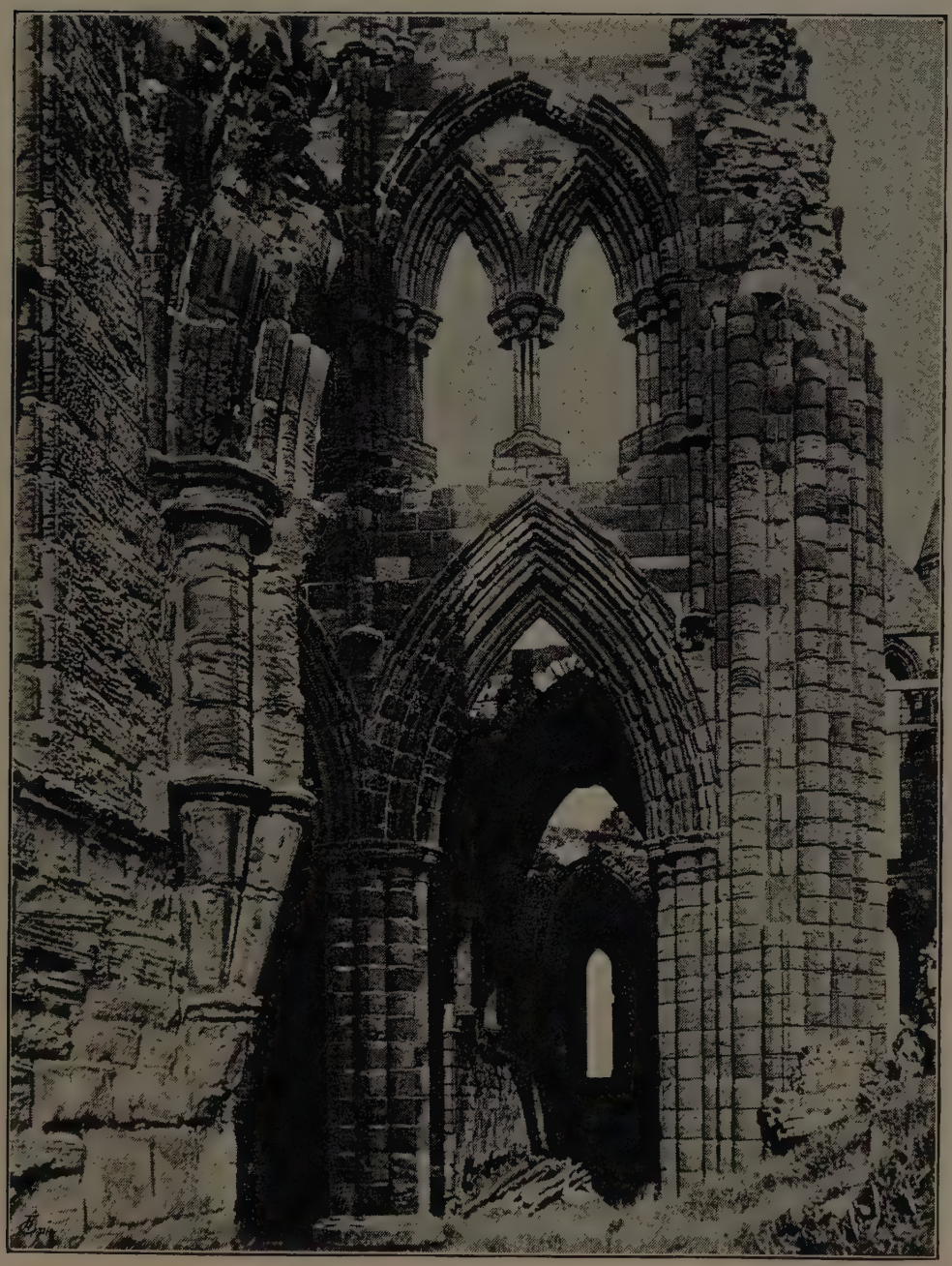
in a previous Norman structure should be found in the rubble of the said choir or near it. For the materials of the super-

seded church, which would only be in the way if suffered to stand, would naturally be employed in such part of the domestic buildings as next came under the hand of the conventual architect, and might well be used up long before

Line of cessation of first building effort—Exterior.

the next portion of the mason-work of the church itself was inaugurated.

However this may be, the church, which in part remains until the present day, was begun almost certainly very early in or immediately before the healthy times of Abbot Roger's presidency, and we may see for ourselves how the effort—a great and sustained one, indeed—initiated and supported as it



North Aisle of the Choir, with opening into North Transept.

To face p. 128.

West Fronts of Nave and Tower, with remains of the South Transept.

To face p. 129.

assuredly was by him, was maintained with unflagging energy, perhaps throughout most of his incumbency, until it resulted in the completion of the choir from base to roof, and with (as it would seem) the two easternmost legs of the tower and the adjoining bays of the transepts, both north and south. The exact point—or line, it may be better to say—at which the effort ceased can be seen as plainly as on the day which saw the last stone laid in the east wall of the north transept; and there is no reason to doubt that precisely the same limit was attained in the case of the south transept also.

This first of the great works of construction or reconstruction may be safely dated, from the evidence of the style, as belonging to the period between 1218-20 and 1230-35.

There was then an appreciable pause or rest of from ten to fifteen years before any further addition was made to the structure. Roger de Scardeburgh had been Abbot from 1222 or 1223 to 1244, and beyond all question, as just noted, the great work of the choir was a part of what his energy and general popularity enabled him to accomplish. As to the rest, the very large amount of grants of land and other valuable matters made to the Abbey during his presidency is the best testimony. He was succeeded by John de Steyngrave, a member of a family of considerable local influence and wealth, the head of which in 1257 held large possessions in Yorkshire (besides other lands at Frisby in Lincolnshire), and was probably the Abbot's elder brother. He ruled from 1245 to 1258; and as the approximate date which must be assigned for the execution of the next portion of the constructive works at the Abbey tallies with singular exactitude—from 1245 to 1260—it is a matter of certainty that Abbot John II. was the personage under whose fostering care and direction the glorious north transept, together with the two western legs of the tower, and two and a half bays of the nave—these last having the use of serving as an abutment to the rest of the work—were added to the structure as it was left by Abbot Roger.

No doubt also the south transept and a like part of the nave on that side were completed at the same time.

In this case again, starting from the definite line of cessation already noticed, and observing the progress westward, course by course, as the mason-work proceeds, the line of discontinuance just to the westward of the opening for the third lancet in the nave is as plainly and definitely marked as in the case of the eastern wall of the north transept. See pp. 132, 133.

If corroboration of what is structurally so entirely apparent were required, it is found in a remarkable feature preserved in several of the engravings extant of the ruins, derived from drawings taken before the disastrous fall of the tower. For on the west face of the tower there is plainly to be seen the roof-table of what can only have been a lower and temporary roof, the occasion for which must have been the necessity of covering in an incomplete and yet completion-awaiting building. This roof-table shows that the roof which it indicated joined the tower at a point 2 or 3 feet above the apex of the tower-arch, and ran parallel with the tangent of the curve of the arch on either side almost, but not quite, in the same line with the line of roof which covered in the first three or rather two and a half bays of the nave. Slightly above it there seems to have been a horizontal projecting line or table, as if to supplement the weather-resisting power of this temporary roof, the pitch of which was very low in comparison with that of the final roof; the junction of the latter with the tower being marked as at the same height—a stage higher on the side of the tower—and of the same proportions with those of the transepts and the choir on the other three sides. The fact of a flatter and lower roof can scarcely be interpreted in any other way than that which is implied by terming it, as I have done, a "temporary roof." And a temporary roof can have been required only under the circumstances assumed in the preceding paragraphs.

From the south-west, showing remains of West Front and the South Transept, with Tower and Choir.

To face p. 130.

From the north-west, showing West Front, Tower, and North Transept.

To face p. 131.

There is then, after the stage of construction we have just been dwelling upon, another pause or cessation of from forty to fifty years in duration, before the next and final building effort is inaugurated, which it seems quite safe to date as having probably begun about or a little before 1310, and as having continued certainly as late as 1325; and most likely, taking the upper and destroyed portion of the work into account, even later. During this period the five westernmost bays of the nave, with the west front and (judging as well as we can from the old engravings of the Abbey) the low tower or lantern which stood upon the crossing of the transepts with the main body of the church, were built.

As to the dates thus suggested, and the identity of the Abbots then presiding over the affairs of the Convent, the next succeeding remarks will not be considered as out of place.

Thomas de Malton was Abbot from 1304 to 1322, and he was succeeded by a member of a local family long connected with the Convent, namely, Thomas de Haukesgarth, who, succeeding in the year last named, resigned in 1354. The works of the third building period were commenced, as it may be assumed with almost complete certainty, during the incumbency of the former and brought to completion during the earlier period of the rule of the latter. And it should be mentioned here that there is still extant one piece of evidence of considerable interest bearing upon the series of works which were certainly in hand during the period noted; I mean an Episcopal brief in aid of the Fabric Fund of Whitby Abbey. It is dated 7th October 1333, and at the outset it states that the Abbot and Convent have undertaken with pains and at cost to renew their monastery for the comeliness of the House of the Lord, and that whereas the personal means of the said community do not suffice for the completion of the work, the Archbishop empowers one John de Lumby, specially appointed proctor for such purpose by the Abbot and Convent, to

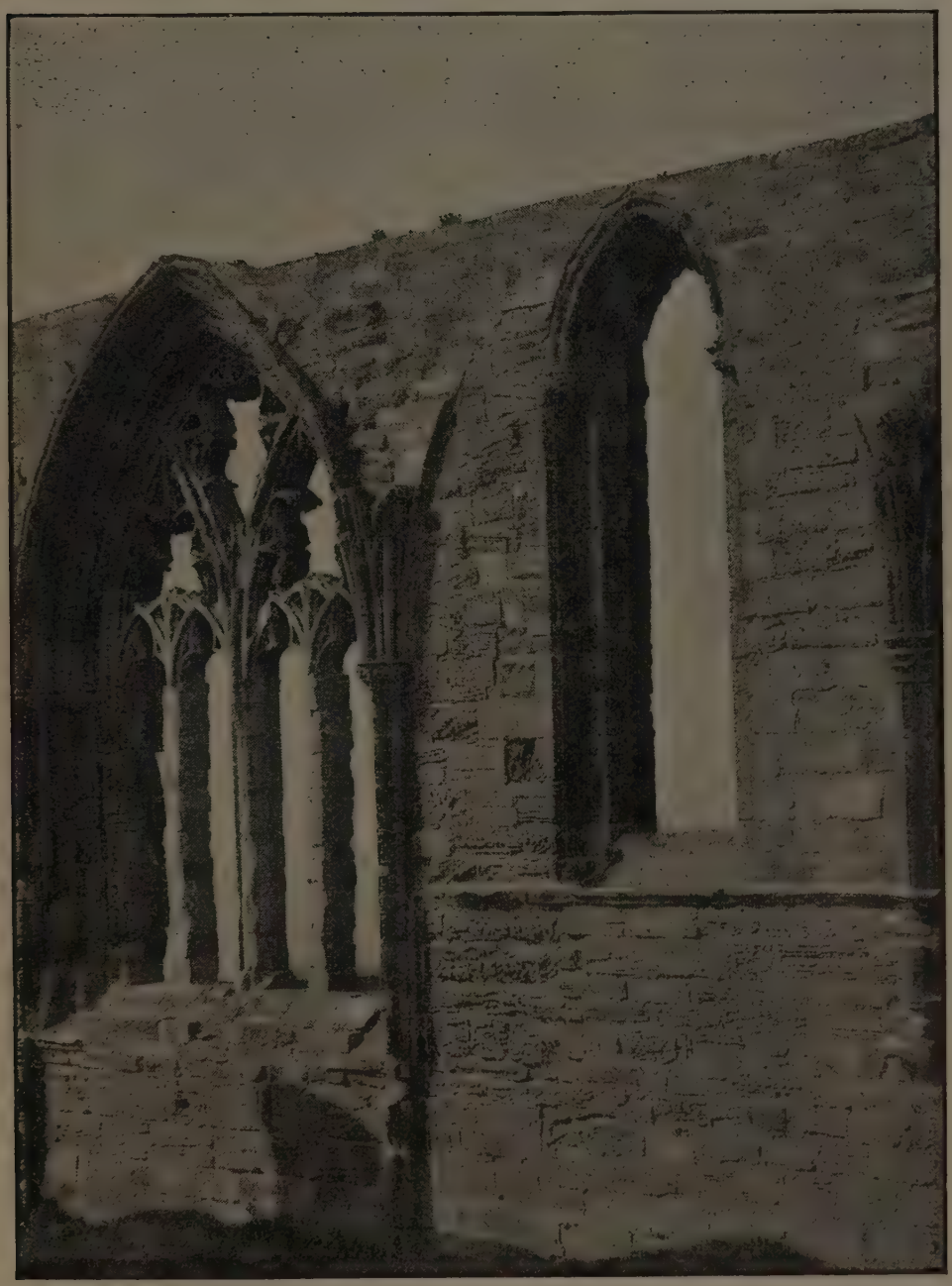
receive the alms of the faithful throughout the city, diocese, and province of York in aid of the fabric of a work so sumptuous, and to exhibit the indulgences specially conceded in furtherance of the same. The brief was to be in force for the space of a year, and the bearer was to have precedence over

Line of cessation of second building effort—Exterior.

all other collectors and proctors, save only those of the Cathedral church of York.

At this point it becomes necessary to remark upon the term "insertion" which has been employed in reference to the work still evident in the ruins of the Abbey church, and which

is, as evidently, later than the thirteenth century; the conten-



Line of cessation of second building effort—Interior.

tion set up by those who have employed the term in question being that the church was completed at one and the same

period, and that the difference of styles observable is due to subsequent alterations and insertions.

There is, however, a very remarkable feature which would seem to have escaped notice in such descriptions of the Abbey as have hitherto been given, and which completely negatives such contention, even if it could be reasonably raised on any architectural ground whatever. This feature is to be observed at a point a little west of the third window of the north aisle of the nave, half-way, in point of fact, between it and the first of the five notable Decorated windows that succeed. The feature in question was originally and intentionally concealed by the apposition of a buttress (now fallen away in ruin), and it depends on an architectural necessity inherent in the style in which this third effort in the work of construction was carried out. The same amount of thickness of wall as in the three first bays west from the tower was not adequate to the exigencies of the mouldings of the window-arches in the new work; and consequently the wall of the nave from the point indicated as it runs westward is built very nearly or quite a foot and a half thicker than the wall between it and the transept which is pierced for the three simple lancet windows. In the interior, the line or plane of the wall is perfectly continuous. Outside, the fourteenth-century wall projects by the measure just noted, but the break in continuity was skilfully and artistically hidden by the means indicated. It is hardly necessary to add that the idea of "insertion" is entirely incompatible with such an architectural feature as this.

Of course, it is not intended to deny that there are evidences of insertion in other parts of the structure; only that at present none exist to the eastward of the west front. Even a moderately good photograph is sufficient to show that the Perpendicular windows—the large one which formerly filled the space over the main entrance to the church and the other still existing on the north side of it, and which once

North Walls of the North Aisles of Nave and Choir, with North Transept and Tower (partly dilapidated).

To face p. 134.

helped to light the north aisle of the nave—are simply "insertions." The arches and some of the mouldings of arch and jamb of the older or Decorated windows originally there sufficiently attest the fact. Why or when these Perpendicular windows were inserted there is no evidence to show, nothing even to suggest. Nothing, however, is more likely than that in some fearful storm damage may have been done to such

Remains of Perpendicular insertion, Great West Window.

large expanses of comparatively weak portions as such windows of a building placed in so exposed a position as that crowned by the Abbey church. And no doubt such damage would be repaired in the prevailing style of the period.

Of those portions of the Abbey which have been destroyed for the sake of the materials, or have fallen under the rude assaults of tempest, or the more insidious but not less certain sappings of time and decay, it is unhappily impossible to speak with any certainty. There are engravings, it is true, taken from old drawings or pictures, but there can be no doubt that

the drawings themselves, in some or several cases, besides being architecturally inadequate, and even grossly inaccurate, were made with little attention to that fidelity which alone could give them any true value in such an inquiry as the present.

The earliest of these is one dating from quite the early part of last century, and which, valuable as it would have been had it been even moderately faithful, is disfigured by such manifest blemishes and strange inaccuracies as to be comparatively of but little use. It purports to be a "North View," but it is in reality a view taken from the south-west, of the south wall of the nave, together with a fragment of the south aisle of the same, and part of the arcade of the cloisters.

But the south wall of the aisle (as what is shown really is) is, by a grotesque blunder either of the draughtsman or the engraver, made to join on to the south-west angle of the tower, so that in reality it occupies the position of the eastern part of the south side of the nave, and thus of necessity conceals the series of arches which supported the wall containing the clerestory. Besides this it gives no trace of the still existing south wall of the choir with its clerestory and triforium, while the triplets of the east front are drawn in a marvellously or even grotesquely distorted perspective. Much or most of the south transept appears to be still standing, and other buildings are shown both towards the east and west terminations of the church which can only be spoken of (so far as the drawing is concerned) as quite unintelligible as well as strangely out of perspective.

But, notwithstanding all this, neither the drawing nor the distortion is without its value; for it is rendered abundantly evident that there was a building the walls of which were not set rectangularly, just about the middle part of the east wall of the cloister, eastward—that is to say, in the normal place of the Chapter-house. The self-evident presumption therefore

The North View of WHITBY ABBEY in the North Riding of *YORKSHIRE*

To the R.t Hon.ble Algernon Earl of Hartford, Son & Heir Apparent to his Grace the Duke of Somerset; Baron Percy &c: Lord Lieutenant and Custos Rotulorum of the County of Sussex, Captain of the Second Troop of Horse Guards: and Governour of Tynemouth Castle, This Prospect is humbly Inscrib'd by my Lord

Y.r Lordship's most humble, &c.

Obed.t Servt. S. Buck

Oswy King of Northumberland, having Slain Penda the Saxon King of Mercia, and Vanquish'd all his power, gave Streanshalch, now Whitby w.th the lands and twelve Captaines non Mannour hous A.D. 655 to be converted into religious Convents, in completion of a vow for the said Victory. It was first a Nunnery, begun by Hilda, a lady of great devotion. Was destroyd by the Danes: and above two hun dred Years after restord into a house of Benedictine Monks, by William de Percy, who A.D. 1067 devoted the said Abbey, town of Whitby, and Members thereof to God, S.t Peter, S.t Hilda, and Monks serving God therein for ever. Since which, the Benefactors of this Rare Abbey, which by its eminent Situa tion, Commands a delightfull Prospect upon the German Ocean, have beside the said W.m de Percy been not a few.

P. Combes delin. 1711. S. Buck sculp.

Annu.s Valuation Dugdale £437 Sp. £585

To face p. 136.

is not only that the walls of the Chapter-house were still standing in that place in 1711, but that the Chapter-house itself had been an octagonal building similar to the contemporary Chapter-houses of Westminster and Salisbury.

Some remains also of the arched passage across the south end of the transept from the cloisters are likewise indicated in this engraving, which is thus seen to be of great interest. See also p. 129.

Indications of South Transept.

One other feature, moreover, is represented which may, it is likely, be depended upon; and that is that the entire tier or row of clerestory windows of the south wall is shown as still in existence. But whether they belonged to the Decorated or Perpendicular style of architecture cannot of course be decided authoritatively from such a representation as is thus given.

There is another drawing dated in 1773, and a third dating from 1780, each of which gives some details connected with

the south transept, but of such a character as to be quite inconsistent the one with the other. Thus the drawing of 1773 shows the south front of the transept as gone; that of 1780 represents it as still there. Besides which, there is a confusion between doors and windows which is utterly perplexing. So far, however, as any safe inference can be made from such sources of information, the architectural details, whether arising from insertions or reconstruction, would appear to be entirely different from those of the north transept. Large lights of a later date on the west side would appear to have replaced the graceful lights which ornament the corresponding side of the northern counterpart, and a large Decorated window almost certainly filled the south front. Originally, judging from the one column which remains, the inference that no material difference obtained between the design and the execution of the two transepts is quite safe. Possibly, however, the south transept may have been somewhat the less rich of the two.

This surmise is ventured on the fairly certain hypothesis that the central bay of the north transept aisle, according to an arrangement by no means unusual in large churches where there was no special Lady Chapel, may have been appropriated to the altar specially dedicated to the Virgin's honour and service. Dr. Young, in a note on the partly-destroyed inscription on the north column in this transept, says (apparently in ignorance of the arrangement just named), "We can easily suppose that an altar was erected to the honour of the Virgin Mary in the aisle of this transept." There is no question that an altar with its adjuncts of piscina and aumbry has stood there; and assuming it, as we must, to have been dedicated to Our Lady, it might be possible, out of the three imperfect or unsatisfactory readings of the inscription just named which have been proposed, to construct one which may be reasonable. And quite possibly the said reading might run, "Johannes de Bromton, quondam famulus

Drawn by H. Gastineau. Engraved on Steel by R^d. Winkles.

WHITBY ABBEY.

From a drawing by Gastineau looking east, and showing the misunderstood Upper Triplet.

To face p. 139.

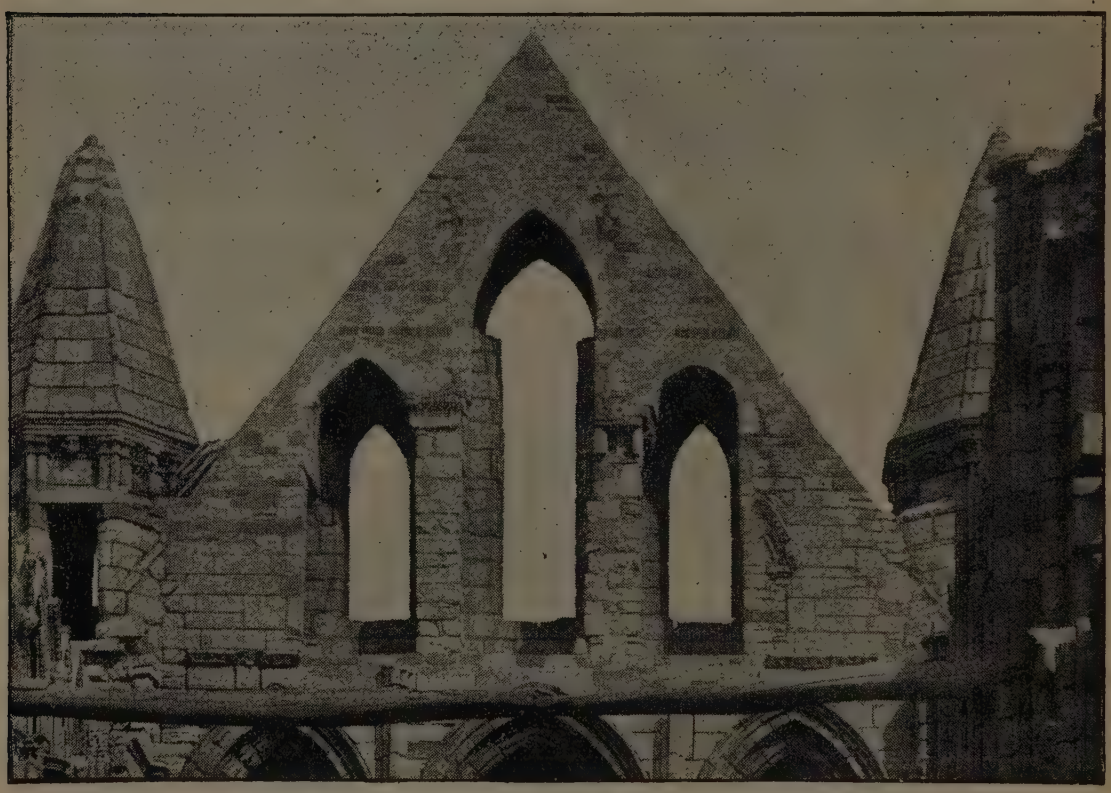
Dei in hoc monasterio, hoc altarium extruxit in perpetuum honorem Virginis Beatæ Mariæ."[1]

There is still another matter to be adverted to before passing on to other branches of our subject. In a view of the Abbey "drawn and engraved by J. Bird," which is inserted in Young's *History of Whitby*, the upper part of the gable of the east front is represented as being in an exceedingly dilapidated condition. In a careful drawing by Gastineau (of about 1824 or 1825) of the interior of the choir as seen through the arches of the still-standing tower, there appears what seems to be an artist's restoration of the uppermost triplet with a light above, but in continuation of the central light. If attention is thus or otherwise drawn to the present condition of that part of the ruin, whether on the spot or by the aid of satisfactory photographs, it will be seen that while the said triplet by comparison seems to be in fairly good condition on the outside, on the inner side it shows unmistakable evidences of having been, not restored, but built up, and on the same principle, or rather in the self-same mode, as the square supporting pillars of masonry which serve the purpose of sustaining several of the triforium arches in the choir.

Closer inspection, however, reveals the presence on the south side of a fragment of moulding, evidently the springer

[1] If this hypothesis be conceded to be reasonable, there would be this inference to be deduced: The inscription would be of the nature of an epitaph. "Quondam famulus Dei in hoc monasterio"—which words are really ascertained, I think—can only imply that the person named had been a member of the monkish community. "Famulari Deo" is a recognised phrase to imply the service or manner of life of a monk. But this monk, Johannes de Bromton, was no longer a monk; he was "quondam famulus," and a professed monk only ceased to be a "famulus Dei" by death. The probable, if not necessary, meaning of the inscription then is that it was through his agency or at his cost that this chapel to the Virgin in the north transept was built and dedicated. The merest glance at the adjoining pillars shows how elaborate the parclose erected in connection with the altar really must have been.

of the arch abutting on the outside light of the triplet on that side; and there is enough in this fragment of rich moulding of the inside of the mutilated lancet to show that the whole interior of these lights has been richly decorated,—more richly decorated, indeed, than the larger window below. This is made fully apparent by Sharpe's restored drawing, which, it is unnecessary to say, was most carefully measured



Gable, Upper Triplet, east end of Choir—Interior.

and drawn from the existing remains; and further still, by drawings made and engraved in 1817 for Dugdale's *Monasticon*, in which there is seen delineated in perspective precisely what is seen drawn in elevation in Sharpe's plate of the interior of the east end of the choir as regards the upper triplet of lancets:—that is to say, the interior arches, each springing from its triple cluster of shafts, are seen to

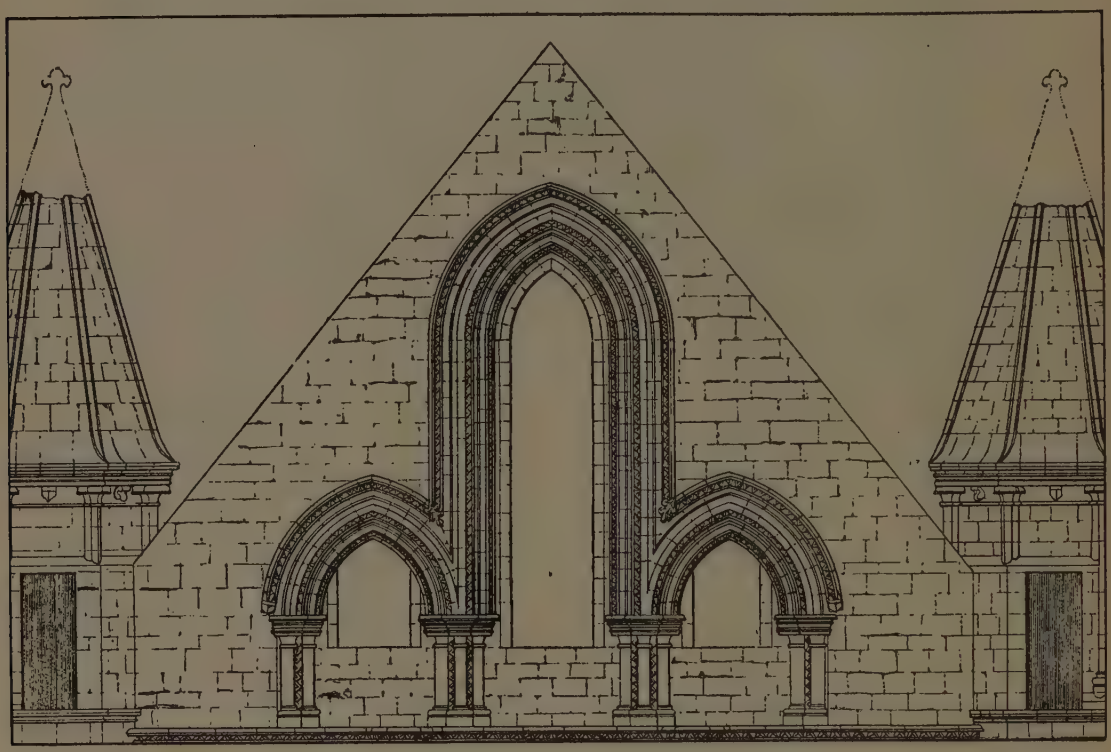
be, particularly the middle one, much lower than the arches of the exterior opening; while, besides this, the sloping sills of the exterior or glass-receiving openings are very distinctly elevated above the sills of the interior openings.

It is not very easy by means of verbal description only to convey a clear conception of what is thus mentioned here

From enlarged Photograph, showing the remnant of old Mouldings.

—namely, that the exterior openings are seen to be much higher than those on the inside. But in the first place it is quite clear that there has been an inner or, so to speak, lining wall, which originally, of course, shut out all appearance of any opening above that of the inner arches. A portion of

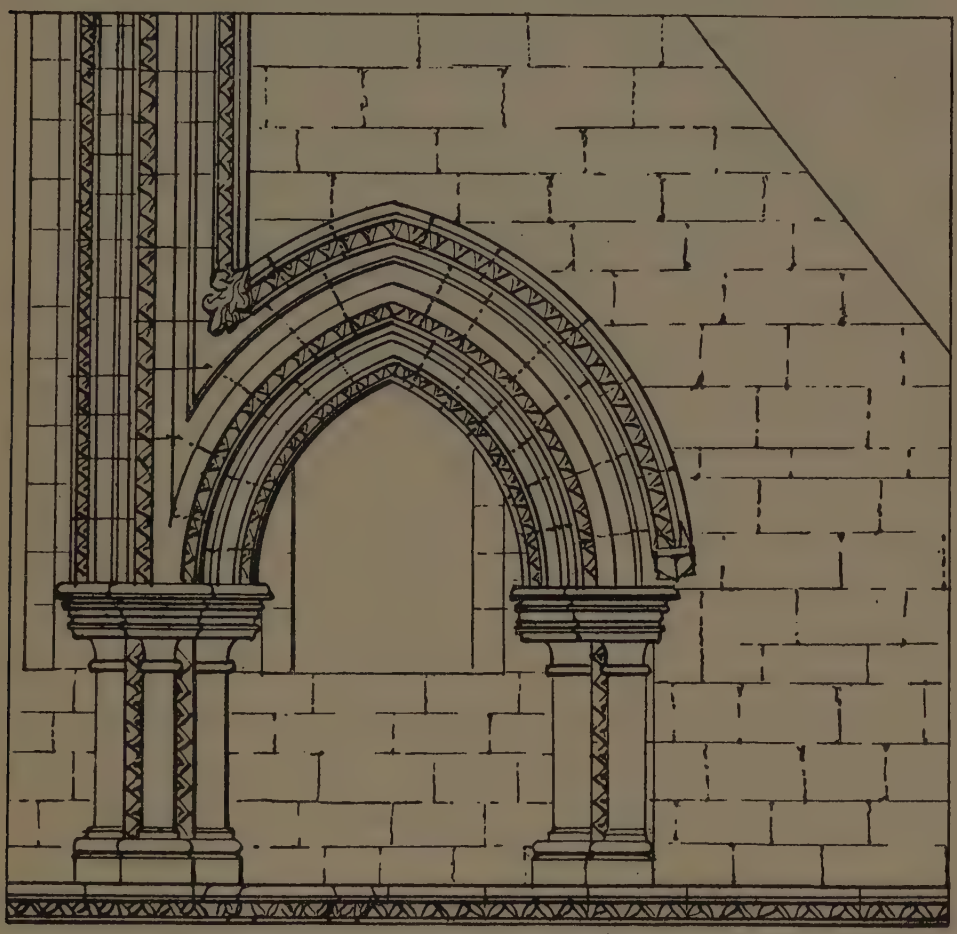
this still appears in these engravings *in situ* above the inner arch of the central light, while it has entirely disappeared, by reason of the working of decay and ruin, from above the mouldings of the two outside arches, one on either side. In fact, one sees quite clearly from the engravings thus commented on, which were beyond question carefully executed from carefully-made drawings, that there had been an



Elevation of same from Sharpe's Parallels.

interspace or passage, analogous to the passages across the windows of the clerestory, between the inner and outer openings of these lancets, with tooled faces on both sides of both walls; and that, the inner wall having been the first to yield to the destructive forces in operation, the still-perfect lancets in the outer wall (which had in reality framed the glazing of the windows) had been thus rendered visible from the floor of the church beneath the tower from whence the view had been taken. In the view by Gastineau, which was

taken between the date of these engravings and the fall of the tower in 1830, the remaining portion of the inner or lining wall, mentioned above as still to be seen above the central inner arch, is gone, and the picture contains, as was noted a little above, the at first sight somewhat unintelligible



Slightly enlarged from Sharpe's Plate.

representation of a lancet window divided in the middle by the head of another lancet in the case of each light in the triplet.

It is impossible for any one who examines what is thus delineated in these drawings of 1817 and somewhat later, to come to any other conclusion than that this upper triplet was designed and executed with a view to its being seen from the floor of the church.

This would appear to be altogether inconsistent with the idea of a flat or even a canted ceiling covering the choir of the Abbey church, and concealing or maybe cutting across all the richness of detail noted above. Mouldings so elaborate and decoration so rich can scarcely have been intended to be relegated to a dark garret; for in point of fact a canted ceiling would but barely have cleared the head of the three great lancets below.

Besides, there are in point of fact, as just remarked, two levels indicated in these restored lancets—that of the base of the glass lights, and that of the inner opening next the choir of the church, the former being raised considerably above the latter; and for this reason, that being placed so high, and having to be viewed, not on the level, but from the floor, the thickness of the wall would by the law of perspective have prevented the lower part of the glass from being seen if it had been brought down equally low; and therefore it was lifted up to just such a height as would bring it within the line of sight of those who were down below.

Again, in elevation, or as the window is shown in Sharpe's view, only about half of the lower part of the side light appears below the arched headings which cut the light in two,—an arrangement which would never have occurred had the window been intended to be seen on a level with the eye; but which is perfectly reasonable and proper when the point of view is lowered to the floor of the choir, from which the whole of the glazing would be visible in perspective.

Lastly, one cannot fail to be struck with the very remarkable difference in the plan of this uppermost triplet internally and externally, the side lights in the interior being so excessively low in comparison with the glazed or external ones. And why this difference? It is hard, indeed, to suggest any reason save one, and one only, namely, to admit of the main timbers or principals of an open roof clearing the richly moulded arches, which, had they been arranged in the same

form as on the outside, they would have cut into and concealed.

Taking all these matters into consideration, there seems to be an accumulation of proof that the upper triplet in the east gable was not only intended to be seen from the inside of the church, but that the roof also was open, its timbers being so arranged as exactly to fit the shape of this window, which they framed in a perfectly symmetrical manner. In other words, it may be seen that there was not, that, indeed, there could not have been, a ceiling of any kind whatsoever, inasmuch as, had there been, it must have put the whole of this admirably contrived design out of sight and rendered it of none effect.

A few words touching the fallen tower will not, I think, be altogether out of place here.

From the many prints and drawings extant, the dates of which range from the beginning of last century almost up to the eve of its fall, and from the written descriptions proceeding from the pens of not a few of such as have taken in hand to give an account of the antiquities and other matters of interest in Whitby and its neighbourhood, we are not left in any uncertainty as to its appearance, dimensions, and general character. There can be no doubt that it was eminently suited to the place it had to occupy. Of no great altitude in itself, overtopping the ridges of the roofs which met its four sides with no great pre-eminence, massive and firm rather than imposing and grand, it exposed but little surface to the fury of the blasts which rush over the site with a violence little realised by the ordinary visitor. Mr. H. W. Benson's description is as much to the point as any that can be selected from other accounts, and its date precedes that of the fall of the tower by only a couple of years or so. "The four great arches of the tower rise the whole height of the upright of the choir, and over them is the first story of the tower, round which runs a gallery lighted from without by four massy plain

windows divided into two lights by mullions, with quatrefoils above the intersections; and from within by windows of the same size, but without the quatrefoils. The upper story of the tower consists of a range of three windows on each side, some of which are pierced; the middle one is divided into three portions by stone mullions, and the outer ones into two, having trefoils above the intersection. One of the windows in this story on the south side consists of a triple arch within a Gothic arch, similar to those in the body of the Temple Church, London. I have not been able to discover another like it in the building."

To this it may be added that each of the four great arches into the tower was finely moulded within and enriched with dog-tooth pattern besides; while a corresponding string-moulding runs round its interior just above the crowns of the arches, and a second just below the tiers of triple windows, proving beyond doubt that the lantern was open to the church. And while all this makes it quite certain that no bells ever hung there, it is to be noticed that a bell gable with openings for two bells is shown in Buck's print as furnishing a finish to a corner turret at the south-west angle of the south transept.

"The tower fell on a calm day, 25th June 1830. The pillar at the south-east corner," says the late F. K. Robinson, "had long been cracked." The marvel is that it stood so long. Robbed of its leaden covering soon after the Dissolution in 1540, rendered subject to a multiplied force of decay on four sides, and both within and without, consequent on the ruin of the roofs of nave, transepts, and choir, which laid it bare to the violence of elemental warfare on all sides, what a striking testimony it gives, by its endurance of all for nearly three centuries, to the surpassing excellence and honesty alike of the material and the workmanship! It is a strange commentary that is afforded by the contrast between these mighty masses of fallen masonry, with their rubble as compact as living rock, and the joints of the encasing ashlar, almost as close as on

the day which saw the one course laid on the other nearly six hundred years ago, notwithstanding the terrible shock of their fall, and the bulging walls and gaping joints of too many, by comparison, right modern buildings.

But it is not simply the tenacious endurance and massive solidity of the mere mechanical mason-work which appeals to our sense of admiration; there is the limitless variety effected in the arrangement of the courses, in the proportions and placing of the separate stones composing them, in the wonderfully effective contrast of colour, always pleasing, brought about by a careful and strangely well-ordered employment of stone of varied hue, and, quite likely, derived from different quarries, which is a source of endless satisfaction to the beholder's eye. Things that the modern builder and even an occasional self-dubbed architect think beneath their notice, or never think of at all, are in this almost matchless building made a fruitful and abiding source of absolute pleasure to the attentive eye—a pleasure none the less real because it originates without conscious inquiry or search for its causes in the spectator's mind.

A few words may be added as to the peculiarities of the general ground-plan of the church. The most cursory observation shows that the axis or medial line of the choir is not coincident with that of the nave; that the general direction of the nave diverges much from that of the choir. Dr. Young remarks that "the nave is not in a straight line with the choir, but diverges about 5 degrees towards the north, so that at the west end of the building the north wall is 10 feet out of the line of the north wall of the choir"; while F. K. Robinson says, "The nave is not in a straight line with the choir, but exhibits a deflection of 9 feet towards the north."

The true deflection may perhaps be better represented by a comparison of the directions of the two lines according to the compass. These directions are, for the choir, nearly S.E.

by E. and N.W. by W.; and for the nave, almost E.S.E. and W.N.W.; or more approximately still, the angle of the quadrant being of course 90, the angle made by the line of the choir is nearly 62·5, while that formed by the line of the nave is 57·5. By actual observation, however, the axis of the nave diverges from true E. and W. by 14·5, and that of the choir by 9·7; while, according to the lines of the Ordnance map of the town (which, however, are not drawn exactly due N. and S. and E. and W.), the divergences are approximately 11 and 6.

This peculiarity is, as is well known, not by any means confined to Whitby Abbey church. It is not an unusual one, and many like instances might be mentioned. And, as may be expected, there are diverse explanations suggested for it. Some of these seem almost nonsensical, and others are contradicted by experience. Probably had there been any valid foundation for either of these theories, some trace of its existence would have been met with in ancient writings, or in the consenting testimony of repeated and wide-spread observation. But no proof of this sort has been hitherto alleged in such form or to such extent as to be in the least degree convincing.

Among the other suppositions which have been put forward, is the one that the irregularity noticed is due simply to the heedless or inexact measurements of the workmen, or even of the plans of the master-builder: but to me this suggestion hardly seems to merit deliberate consideration.

There is, however, another feature in the structural arrangement of the Abbey church of Whitby which may possibly be not without bearing upon the question, "Why was the building so planned that the axes of the nave and choir were not in the same straight line?"

For that it was planned so requires no elaborate proof: a simple narrative of facts suffices to that end. As has been already noted, the inceptive building effort was sustained

until the choir with its aisles, the two easternmost legs of the tower with the adjoining bays of either aisle, and a few feet of the east wall of the north transept (with presumably also as much of the south transept, of course), were completed. When the second building period arrived the work was resumed at the points thus indicated, and carried on until both the transepts, the tower up to above the arches into it from choir, transepts, and nave, and the first two and a half bays of the nave and its aisles were finished. But just as the builders of the first epoch settled the line of their work for the builders of the second epoch by setting out two of the pillars of the tower with the adjoining bays and the return of the east walls of the transepts, so those of the second period settled the line of their work for the builders of the third period by setting the north wall of the aisle of the nave at an angle less than a right angle with the west wall of the north transept. This must have been done deliberately, or with set purpose and intention. So simple a matter as setting one wall at right angles with another can in no way be supposed to have been a matter of uncertainty in the case of such architects and such masons. And there is no need to dwell upon what was involved in setting out the corresponding parts of the south transept.

We assume then—there being indeed no other alternative—that all this deviation from the ordinary rules of construction was made of set purpose, and of course with an intention, or object and design. And then we have to notice this further: that the wall with which the wall of the aisle makes an angle less than a right angle is not symmetrical with the wall on the opposite side. For this again is a fact. The west wall of the north transept is longer than the east wall of the same by nearly the thickness of the wall of the north aisle. In other words, the west wall projects from a foot upwards into what should have been, according to

ordinary rule, the unbroken vista of the aisle of the nave as seen from that of the choir.

Now it is still less possible that this should have occurred as the result of carelessness or a blunder on the part of the workmen or the director, than the structural blunder of a wrong angle. The occurrence of two such blunders or unintentional mismeasurements is simply inconceivable. Both of them, it may be remarked, must have been detected a hundred times over before it became too late to remedy them, if unintentional. But, as we see, they were allowed to remain; and we assume therefore that they were from the first intended to remain.

So far the matter is easy and our course direct. But when it is attempted to advance further and to seek for an explanation of the anomaly, to endeavour to penetrate to the design or intention of those who planned and built the church thus, very real if not insurmountable difficulties stand in the way. If the building were still standing as it used to stand in all its wondrous beauty and aspiring grandeur, a solution might possibly be found, at all events by a skilled or educated eye. Even as it is, it is conceivable that some effect depending on perspective was aimed at, and as surely attained. It has been already remarked that the church, for a church of the class it belonged to, was not a large one; rather the contrary. Its utmost length inside from end to end was something short of 300 feet; and yet the effect produced upon the observer's conception in the maimed and scanty portion left, is much as if it had been as large again by half. Quite possibly the intentionally interrupted line of nave as seen from choir or crossing, or of choir as seen from nave, may have been designed to aid harmoniously in producing a like effect, as to vista and area, to that which was and is yet produced in other respects as they stand. This is conjecture necessarily; but so is the somewhat fantastic idea of the symbolising of a drooping

head, or the suggestion of a sunbeam, which at the most accounts for the direction of but one out of two divergent lines.

I will mention but one other fact in connection with the subject thus far dealt with; and that is, that the axis of the parish church close by, which must have been completed before the latter part of the twelfth century, is exactly parallel with that of the choir of the Abbey church. The parish church is dedicated to St. Mary, the Abbey church having been dedicated to St. Hilda as well as St. Peter.

It remains but to notice the dimensions of the Abbey church, and to give a very short and unscientific notice of its more salient architectural characteristics.

It seems somewhat remarkable that the measurements of the building as given by different authorities should not be coincident. But it is likely enough that, in a building two separate parts of which are not (in the direction of their length) in the same straight line, two modes of measurement may be adopted—the one, that of taking the direct length from end to end without noting the divergence of direction referred to, the other by measuring from the same limits at either extremity each divergent line to the point of intersection; in which case the latter measure would obviously be the longer. Premising this, we may note the measurements given by Dr. Young, giving some of those by other authorities for comparison before finally dismissing the subject.

"The dimensions of the Abbey church are as follows. Outside: length, from the western extremity to the buttresses of the transept, 140 feet; across the transept, buttresses included, 65 feet; from thence to the eastern extremity, 105 feet; total length without, 310 feet. Breadth from the extremity of the north transept to the north buttresses of the choir, 38 feet; across the choir, buttresses included, 77 feet; and, if the south transept which is gone was equal to the north, the total breadth on the outside must have been 153

feet. Inside: length, from the west gate to the central tower, being the extent of the nave, 137 feet; across the tower, including half the diameter of the pillars on each side, 33 feet 6 inches; from thence to the east end of the choir, 116 feet; total length within, 286 feet 6 inches. Breadth of the body of the choir, including half the thickness of the pillars on each side, 33 feet 8 inches; breadth of the aisle on the north side of the choir, 14 feet 4 inches; so that if the south aisle corresponded with the north, the whole breadth of the choir within was 62 feet 4 inches. The breadth of the nave and its aisles cannot be so exactly given, the pillars as well as the south wall having all fallen. But their dimensions were probably the same with those of the choir and its aisles. The north transept measures from its north wall to the inside of the north wall of the choir, 37 feet 8 inches; and if the opposite transept was of the same extent, the extreme breadth within from the north wall of the one transept to the south wall of the other must have been 137 feet 8 inches. The breadth of the body of the north transept is 30 feet 8 inches; its aisle, which is on the east side, 14 feet 8 inches; total breadth, 45 feet. Each of the four pillars of the tower is 25 feet 4 inches in circumference; each of the other pillars, 15 feet 4 inches. Each of the four large arches of the tower is about 60 feet high, which is also the height of the walls; the total height of the tower, 104 feet. Breadth of the great west gate, 9 feet 6 inches; which is about half its height. The west front has extended about 84 feet, including the buttresses, which project 8 feet. The buttresses of the choir project 5 feet 3 inches."

According to Sharpe's plan, however, the total length of nave and choir together is 291 feet, as against Young's 288½ feet; of the transept, 135 feet 8 inches; Young's measure being 2 feet more. The breadth of the nave is 60 feet 9 inches; of the transept and aisle, 45½ feet, against Young's 45; and of the choir, 62 feet 8 inches, or 4 inches in excess of Young's.

A part of the choir is given by Sharpe on a larger scale than his plan of the whole church, and on this his measures are: full breadth of the choir, 62 feet 5½ inches; of central part of the same to centre of walls, 33 feet 3½ inches; of aisles from outer wall-face to centre of main wall, 14 feet 7 inches; of aisle proper, 12 feet 8½ inches; of main walls, 4 feet 5 inches; of arcades, from centre to centre of pillars, beginning from the east, 16 feet 5½ inches, 17 feet, 17 feet, 16 feet 10 inches, and 16 feet 5 inches.

The western bay, which is governed by the breadth of the transept aisle, is not given, as it is beyond the limits of the plan; but it is a good deal narrower than the rest. The gradual way in which the spaces are contracted, as shown in the succession of measures given in the last paragraph, should be noticed, such divergence from mathematical accuracy giving as it does such noteworthy variety and beauty to the best mediæval work, and affording such a marked contrast to the feeble monotony observable in so many modern buildings, in which all the parts might have been cast out of one common mould.

A former editor of Murray's *Handbook for Yorkshire* writes thus of the general architectural features of the Abbey church: "The choir, Early English, but retaining a transitional character, is the earliest portion. The north transept is also Early English, but of a later date, and the nave is rich Decorated." This is, as is afterwards noted by the writer himself, too sweeping, the first three bays west of the tower being of the same date with the transept. Mr. King then proceeds: "The triforium of the choir, a circular arch enclosing two pointed arches, each of which is again subdivided, should be compared with those of Early English date at York and in the choir of Rievaulx. It extended over the aisles. The east end, square, with three tiers of three lancets, the uppermost rising into the gable, is fine; and the foiled openings not quite piercing the wall, between the lancets of the lowest tier, are

worth notice." Let me remark here that the same feature is, or has been, observable in other parts of the choir, as is disclosed by more than one of the more careful drawings referred to previously. "All the choir work is much enriched with dog-tooth. . . . In the north transept the window-mouldings show large open flowers (lilies), differing east and west. . . . One pier alone of the south transept is standing. In the nave the three easternmost windows are Early English, the others Decorated, of a somewhat peculiar design, recalling the 'Kentish' tracery of Chartham and Mayfield."

I supplement this as follows, being indebted to an architectural friend for the annotation given: "With respect to the Decorated windows, the following may be cited among similar examples more or less contemporaneous: the side and east windows of the chancel of Chartham church, Kent, the former of two lights, the latter of four. These, however, are somewhat earlier than those at Whitby, and may be dated about 1290. Examples somewhat later at Billingborough in Lincolnshire and Great Bedwyn in Wiltshire, the latter being pretty certainly of about 1320; since the tomb of Sir Adam de Stock, which forms an integral part of the mortuary chapel in which the window is found, is constructed immediately beneath it: and he died in 1312. The chapel was probably built by his son, Sir Roger de Stock, who died in 1325; so that we get the date pretty accurately." "In the west gable of the north aisle," continues Mr. King, "is a small and curious lozenge-shaped window of the same date. Outside the ruins, remark in choir the clerestory windows with heads at their corbel stones; the pinnacle-capped buttresses of the north transept, much enriched with canopied niches; and the whole north front."

One paragraph is omitted in the above extract, which, however, I cite here because it is sufficiently to the point as well as accurate, if only we bear in mind that an hypothesis resting on an hypothesis cannot carry much weight with it.

What is alleged is, "There is some trace of a screen between the two first piers from the east, and perhaps the shrine of St. Hilda stood here, if her relics were ever brought back from Glastonbury." Mr. F. K. Robinson, moreover, writes: "At the distance of one arch from the east end of the choir the pillars indicate a screen for the High Altar." The indications on the pillars are certainly there, although the precise point or points at which they are apparent are but loosely indicated. And as there can be no doubt that there was a parclose or screen in special connection with the said altar, it is almost certain that the marks referred to may or must be the traces that are left of the mode and the manner of its fixture. It should also be remembered that the erection of tombs in the later ages of a monastic church's being often led to what, when they were removed, became disfiguring marks as of former violence.

One other remark bearing on part of the architectural features of the ruins yet extant, and this portion of our notice of the Abbey church must come to a close. Dr. Young remarks that "in the choir a great part of the vaulted roof still remains. In the eastern parts the intersection of the groins is plain; but in the western extremity, which has perhaps undergone some alterations, there are keystones finely carved. On one is a lion rampant, on another an indistinct figure which may have been a lamb, a third seems to have been two fishes, and a fourth has only foliage or flowers. The brackets from which the arches spring in this aisle are in the form of flowers; but those in the aisle of the north transept, and in that part of the nave which is of the same date, are grotesque human figures supporting the arches on their shoulders. The upper part of the choir is ornamented with a multitude of heads of a different form, placed in various situations."

When reading of these alleged "human figures," and comparing one's own observation with the account, perhaps one feels a little inclined to allow for a little imagination on the

good doctor's part, deeming it impossible that so great a defacement should have been effected within the period between the second quarter of the present century and our own time. Certainly I have looked in vain for any possible likeness of the human frame. Nor is the likeness of a quadruped very easily recognisable. From what exists it is even hard to say that the stones have been carved at all, although there can be no doubt at all that they were. So that it is only fair to say that in Dr. Young's time they may have been easier to identify than they are at the present day.

Any remarks on the probable position of the other portions of the conventual buildings besides the Chapter-house and cloisters would be too much of the nature of guess-work to be adventured here.

OLD WHITBY: ITS SITE, TOPOGRAPHY, AND DISTRIBUTION

WHEN speaking of "Old Whitby" I think a distinction should be made between "Ancient Whitby" and "Old Whitby." Even should the distinction seem to be an arbitrary one, the occasion for it would remain. What is meant may perhaps be made more clear if we define "Ancient Whitby" as Whitby before the Conquest, and "Old Whitby" as Whitby at and about the Conquest, down to the time of the Dissolution, and for some sensible (but not lengthened) space thereafter. Certainly this latter definition, in one or more of the phases or aspects presented, will suffice to limit the scope and the extent of the topics discussed in the present section or sections.

I suppose that in speaking of Old Whitby few persons would be prepared to admit,—perhaps even to recognise,—the comparative insignificance of the place, the town and district so designated. In order to illustrate what is meant, Kelly's Directory may be referred to. In the edition of 1872 one may read that, as regards Whitby, "the area of the township is 2243 acres";[1] while touching Sneaton the same authority states that its area is 4040 acres. Yes, but in Domesday times Whitby, with its dependent "berewic" Sneaton, constituted

[1] It is not superfluous to remark that on sheet 32 of the 6-inch Ordnance Survey the area of "Whitby Township" is set down as 78 acres and 6 poles, which, entirely accurate as it is, serves to illustrate the contrast suggested on the text with singular clearness.

but one "manerium"; and the dependency, in respect of acreage, outmeasured the capital manor in the ratio of nearly two to one. Or, to put it somewhat differently, the latter, or Whitby, by the side of the former, Sneaton, is but what its fair but unpretentious church, as it would be in mediæval days, would have been side by side with the noble Abbey church in all its perfect symmetry and the glorious beauty of its architecture.

But it may be well, if it is desired to have a clear idea of what "Old Whitby" really was, to fix our minds on this contrast, and not to shrink from deliberately contemplating what I have called its comparative insignificance. Because what has been, so far, already advanced, namely, that Whitby is now, and beyond all dispute was then, merely a township half the size of its berewic Sneaton, perhaps even less than that, must be carried still further. The same record which tells us what Whitby and Sneaton relatively were, tells us also not only that to the manor of Whitby appertained soke in North and South Fyling, Ghinipe (or Hawsker), Presteby, Ugleberdesby (or Ugglebarnby), Soureby, Brecca, Baldby, Florun (now Flowergate), Staxeby (Stakesby), Neweham (Newholm); but, telling us that Presteby, Baldby, Soureby (just west of Baldby), Florun, Stakesby were all distinct places, tells us too that all of them have to be carefully eliminated from any idea we may have formed of what Old Whitby really was in respect of area. Nay, we must even proceed a little farther still in the same direction. For, in the "Memorial of Benefactions" to the Abbey—a writing barely a century less old than Domesday itself—we find enumerated besides the vill and port of Whitby, and besides Stainsacre, Hawsker, the two Fylings, Sneaton, Ugglebarnby, Soureby, Stakesby, Baldby, Flore, Newholm, and Dunsley, these other places also: Overby, Thingwala, Lairpel (Larpool), Bertwait, Setwait, Risewarp (now Ruswarp), and—what we have to note particularly—all of them (as enumerated at all) enumerated as distinct from the vill of Whitby proper, or "Old Whitby" in its positive actuality.

But the result of all these eliminations or deductions is obviously to leave but a very insignificant residuum for the constitution or absolute area of what must be understood by the term "Ancient Whitby."

Now, if any reader were to take a large sheet of paper and roughly shape it after the outlines afforded by the 6-inch Ordnance maps, so as to take in the area indicated by the aggregate of places, townships, or vills just now enumerated, and then were to proceed successively to shear off Fylingdales, Hawsker, Stainsacre, Sneaton, Ugglebarnby, Ruswarp, on the south and south-west, and next go on to remove Dunsley and Newholm on the north and west, he would most likely be somewhat surprised at the small dimensions of the scrap of the original shape or areal facsimile that was left. For the abstraction of Ruswarp, Newholm, and Dunsley alone would bring him into the very heart of what is now the town of Whitby; while the snipping off of Stakesby, Larpool, Baldby, Florun, would grievously lessen the already strangely diminished remnant that was left. But even that is not quite all; Thingwala has yet to be pared off, and so has Priestby. The very site of the Abbey itself, not to mention the site of the church and the churchyard, is not within the limits of the township of Whitby proper.

Whitby without its Abbey, without even the site of its Abbey included, is an idea to which the modern mind is indeed a stranger. Yet it is an idea to which we must learn to reconcile ourselves if we desire to recognise what the area implied by the name Whitby really was in the time of Ancient, if not of Old Whitby. For this is the way in which the site of the Abbey is mentioned in the earliest historical writing touching Whitby, next after Domesday, which has come down to us: "The place which in olden time was called Streoneshalc, next was denominated Prestebi, but now"—somewhere about 1170 to 1175, that is—"is spoken of as Witebi." In other words, the Streoneshalh of the olden time has been renamed

Presteby, say about the year 890 or 900, when Whitby also was brought by the conqueror-colonist to the Registrar of the day, together with its multiplied sisters Stakesby, Risewarp, Flore, Ugelbardeby, and all the rest of the family, all of them as separate and distinct as the twelve sons of Jacob (not to mention his daughters), and almost all of them destined equally with and in like manner as the majority of the twelve patriarchs to be eventually, and before long, overshadowed and practically absorbed by the predominating growth, importance, and influence of the foremost of the family. And thus it was that that which was not Whitby in or about the year 900, but had its own name as well as its local habitation on the high ground that furnished the site of the Abbey and parish church and graveyard, and is bounded by the sea-cliff on the one side, and the brae overhanging the old town on another, had, soon after the middle of the twelfth century at the latest, come to be absorbed by, and known under, the general or non-discriminating name of Whitby.

But however strongly we may desire to confine ourselves to the topic of Old Whitby as distinguished from Ancient Whitby (adhering to the definition of either given above), still it is not easily possible to avoid all reference to at least the later days of the latter.

More than one attempt has been made by the author, on different occasions, to show that the received doctrine touching the continued condition of ruin and desolation of Whitby, town and Abbey alike, is utterly and absurdly untenable. But such errors when once received and popularly accredited die hard. They are taken up and repeated in newspaper sketches and popular handbooks compiled by persons who possess no original or acquired knowledge of their own, and so the old myths live and flourish still with a vitality which reminds one of the old story of the Hydra. But, for all that, it is absolutely certain, as we have seen above, that the town did not lie desolate during the two centuries through which

the monastery continued in its state of ruin, and that its restoration to being almost, and to prosperity certainly, did not wait for, or depend upon, the restoration of its ancient Religious House. On the contrary, there is no question that at the time of the valuation taken in the Confessor's time, according to the record as given in the Domesday Book, Whitby must have been an important, prosperous, and wealthy town and harbour. For less than this can in no way be inferred with respect to the condition of a place returned as being assessed at a sum at least equivalent to £3500 in our modern money, and to one single impost only.

But there is something not a little suggestive in a conclusion that can be thus formulated. If we cast a glance over the various places whose names are tabulated above in connection with Whitby,—more than one of which to this day retains the rank of a manor,—we naturally form the conception of a considerable group of separate and independent tenements or holdings, resulting from separate and independent grants or allotments, made possibly by some subordinate captain or chieftain to the worthier among his own subordinates or soldier-followers. More than one or two of these have bequeathed the memory of their names to us, preserved, like flies in amber, in the appellation of the place which he "called after his own name." Instances in point are Ugelbardr, Haukr, Northman, Baldr, and, quite likely, Prestr. But no long time first, and these originally separate and independent fighting adventurers who had turned their soldier's sword into the colonist-settler's reaping-hook, seem to be grouped together otherwise than by the mere vicinity of their allotments; for they, with their allotments, have passed under the headship of a more powerful man than themselves; they have practically become, what later was called, "his men," and their lands a part of his "fee." Certainly it was so by the time of the Conquest, and it is more than a matter of mere inference that it had been so at the time of Edward the Confessor's valuation.

Of course it may have been so from the first. But I am disposed to read the imperfect record otherwise, and to think that there was as general or practical independence among the Old Danish colonists of Cleveland as there had been some generations earlier among the Norwegian colonists of Iceland. At all events, the Whitby group of manors, vills, and townships, with Whitby, port and manor, at their head, had become a centre of great importance, and from both a religious and political point of view, some long time before the Conquest. The existence there of a separate and definite locality with the name Thingwala attached to it, is in itself quite a sufficient proof of the validity of the statement thus put forward.

It is a fact of considerable significance that even as late as 1070 to 1080 Thingwala should have been still not only an identifiable locality, but a recognised name for a territorial division of land, however limited or constricted its actual dimensions may have been. There it was, and there it remained, to attest the fact that, within the easy scope of perfectly trustworthy tradition, even if not of the memory of the "oldest inhabitant," there had been at the place so designated periodical gatherings of the Old Danish inhabitants of eastern Cleveland, and alike for civil and religious purposes and observances.

Perhaps we may be the better able to recognise what is implied in and by this if we think what a Quarter Sessions town means nowadays in our own familiar country homes. For such, and more still by far, must Whitby have been even after the decadence of the heathen ritual or worship among the Old Danish settlers and their next descendants, and down to an easily appreciable time before King Edward's accession to the throne of England. Suppose we were to allow for the erection of booths, as in the case of the Icelandic Thingwala, for the reception of the men who fared thither for Thingwala objects and proceedings, still we have to bear in mind that in the later days of Ancient Whitby there must have been a

considerable population of seafaring folk, and of other people depending upon them; to wit, "chapmen," many of them men of no mean substance, the "bargainers," that is, or "merchants" of a later mode of name-giving, shipbuilders, rope-makers, sailcloth-weavers, and so forth; with dwellings adequate in number, and with the requisite appliances according to the requirements of the day. Less than this can scarcely be admitted when we are brought face to face with the fact that the Port of Whitby had, according to the testimony of the invaluable record quoted, to supplement the "carucates" or "landed interest" of Whitby to the extent of very near two-thirds of the whole sum leviable on account of the tax called Danegeld, considerable as that sum so obviously was.

But where would these dwellings be placed? Or, in other words, what was really the site of Old Whitby?

This question has been asked before, and more answers than one suggested in reply to it.

Thus, some publication or other which fell into my hands no long time since, stated that there were many sites of old habitations traceable still on parts of the plateau which furnishes sites for the parish church and churchyard, as well as for the Abbey and its ancient structural appendages. The information would have been welcome enough; but still one was not able to feel quite confident of the author's wisdom or judgment in suggesting correlation between these assumed habitations and the dwellings of the Old Whitby inhabitants. I confess to having thought that he might be puzzled in many particulars as well as many instances to find the foundations of the co-ordinate buildings of a village or hamlet of even less than one-half, if not one-third, of the antiquity assumed in this sagacious surmise of his. Besides, what should a seafaring population, either fisher or mercantile, do up there? One would surely say that then even as now they would desire to be located at no greater distance than was necessary from the immediate position of their business or their calling.

But again, and as touching an at least tentative answer to the question, "Where were the dwellings of the inhabitants of Old Whitby?" or "Where was Old Whitby itself placed?"

The Handbook, which has been referred to more than once above, was the outcome of a lecture delivered before the members of the Whitby Literary and Philosophical Society. On the morning succeeding the delivery of the lecture the writer was walking on the pier when he met one or two of the Whitby folk of long local standing, and after some little conversation he was told that his estimate of the waste of the cliffs on either side, within, of the harbour mouth, as hazarded in the lecture aforesaid, was under the mark rather than over, and that several old seamen had been referring that morning to what had taken place, in the way of such waste, within their own period of recollection. The lecturer had said that he had seen about 9 feet of the margin of the cliff go at one particular point within the thirty-five years over which his own observation had extended. These old seamen were able, from the results of what they had noticed themselves, to corroborate this statement, and indeed go beyond it. Now Dr. Young at p. 755 says: "In the cliffs along the coast the strata are not only liable to be decomposed by the atmosphere, but undermined and wasted away by the tides, especially in storms. The ratio in which this decay proceeds is not easily ascertained; but it does not appear on an average to exceed a yard in ten years or ten yards in a hundred years; for though in some spots the decay is much greater, in others it is much less. The exposure can, however, be nowhere greater than at and about the cliff-ends or nabs on either side of the harbour mouth"; and suppose we assume that the waste there, on both sides, has been progressing at the ratio alleged since the date of Old Whitby, what is the conclusion up to which we are led?

From a chart now before me, drawn to a scale of $3\frac{1}{2}$ inches to a mile, the width from nab-end to nab-end across the harbour mouth is as nearly three-quarters of an inch as can

well be ascertained from such a drawing. Three-quarters of an inch on the scale given represents 338 yards. Allow for waste on Dr. Young's ratio of 10 yards in a century, and we have to take 100 yards from either side as accounted for by the waste of the last thousand years, leaving a clear interspace of 178 yards to afford an entrance to the harbour at or about the period of the occupation by the Danes. But this of necessity, if we do but bear in mind that the waste was, though greatest at and near the present so-called harbour mouth, by no means confined to the cliffs there, places the actual harbour—the absolute port of Whitby in those days—very much higher up the bed of the Esk than it is now.

To some such a calculation as this may appear far-fetched, fantastic, unreasonable. But to the writer it is not so. To him every consideration, geological as well as others, depending on physical or scientific observation and experience, seems inevitably to lead up to this same conclusion. There can be no real doubt that the Esk, at some not easily reckoned time since, found its way into the sea through a rift in the rocks due to a fault, or, in other words, "to the settlement of the strata on one side of what is now the harbour mouth, or their upheaval on the other," and that the whole empty width from side to side now is the result of the joint action of water and weather; and the strong presumption is that a thousand years ago the interspace between the braes on either side was scarcely two-thirds of its present width. Even of this space no small portion, by reason of its nature, or because of sand thrown up to the depth of many feet by the action—sometimes combined and sometimes opposed—of sea waves and river streams, must have been unavailable for the site of such dwellings as were the vast majority of those put up at the period indicated.

We must, therefore, on this line of reasoning, look for the site of Old Whitby town, not at or near the northernmost portion of the present town, or anywhere between the present bridge and harbour mouth, but much farther away from the

sea. And the probability is that it was on the east side of the river-bed as well as mainly beyond the line of the bridge, and the street now known as Bridge Street.

It will be thought strange, perhaps, if no notice is taken of what has been advanced by previous writers on the subject under discussion, although the amount of such statement is really so very scanty that it almost seems as if something in the way of apology or explanation were needed for introducing it at all. It is indeed possible that the subject never actually excited their awakened or attentive consideration.

The following extracts may be taken as fairly indicating the view which Charlton (*History of Whitby*) was disposed to take: "After the destruction of Streanshalh by the Danes, some few huts or cottages were, in process of time, erected on its ruins, which, from the neighbourhood of the Abbey, where the priests or monks formerly resided, got the name or appellation of Presteby; and by this name it several times occurs in our records, though never more after the date of the charter of confirmation granted by Rufus, for the harbour and some few fishermen's huts below the hill having been, before the Conquest, called Wyteby . . . it by degrees communicated its name not only to what stood below, but likewise to what was afterwards built upon the hill, so that, after the reign of William Rufus, Presteby was no longer heard of, nor did the monastery there ever more retain that name."

"Some few huts or cottages" near the Abbey, and "some few fishermen's huts below the hill," that is all that this writer allows for; while at p. 145 he says, under date of 1185, "As for Baxtergate, no such street then existed; it was all overflowed by the sea every day at the time of high water, and made a part of the Bell. Nor were the church-stairs as yet erected." While, as to his idea of what Whitby had come to be at the end of the period which limits our epoch of Old Whitby, what follows is graphic enough: "When the monastery of Whitby

was dissolved the town was divided into three parts, all of which taken together contained but a very inconsiderable number of inhabitants. One of these parts, consisting of only about ten or twelve houses, stood above the hill on or near that plat of ground where Streanshalh had formerly been. . . . These houses were inhabited by the menial servants and other dependents of the Abbot, who assisted in the tilling of such land in the neighbourhood of the monastery as was not let out to tenants. And fish being in those days . . . an article of very great consequence, some of them probably were also employed in providing that useful commodity for the monastery, though it is certain most of the fishermen of Whitby, even in those days, for the convenience of fishing, had their habitations below the hill. Another part of Whitby stood below the hill, on the east side of the Eske, where ten or twelve more straggling houses, placed in an irregular manner at a considerable distance from each other, formed a sorry street, then called Kirkgate, but now commonly known by the name of Church Street, beginning at the lower end of the Green Lane and terminating at the bottom of the Church Stairs. Beyond this street, to the northward, was a place called Haglathe. . . . The whole of Kirkgate was divided into tofts and crofts, and inhabited by a few fishermen, mechanics, artisans, and perhaps a shopkeeper or two. It certainly was very poorly defended from the violence of the sea. . . . The harbour was but meanly provided with piers, and had hardly any other defence than what Nature herself had formed . . . and there was no place nearer the mouth of the harbour where boats could come ashore sooner in bad weather, or where they could be laid up in safety, than the place where the Horngarth was made. The third part of Whitby was situate on the west side of our harbour, and consisted also of ten or twelve cottages or houses, which formed two streets, if they can be thought properly deserving of the name of streets; one of which, called Flowergate (wherein was a House of

Correction), seems to have taken its name from the flowers which grew in the fields adjoining thereto; and the other, called Hacklesougate, or Hackersgate, from," etc. etc. The author then goes on to mention Wind Lane (now Cliff Lane), Scate Lane, and Backdale, repeating what he had already said about Baxtergate, and concludes: "Such was Whitby in the year 1540, the whole town consisting of thirty or forty houses, containing in it not more than one hundred and eighty or two hundred inhabitants."

So far Charlton. Dr. Young takes a different and somewhat brighter view of what Old Whitby practically was, and certainly more consistent with probability and with reasonable induction. It is true that, much against recorded facts, as well as against all probability and reason both, he asserts that the town after its devastation by the Danes lay in its desolation until "after the lapse of two hundred years it revived" coincidentally with the "restoration of the Abbey." And then he proceeds: "About this time it obtained the modern name Whitby or White town; and the name Presteby or Priest-town was then also occasionally given either to the town itself or to one of its appendages. It was then chiefly situated on the east cliff, and contained but few inhabitants. . . . But in proportion as the Abbey grew in riches and respectability, the town increased in size and importance, and not only occupied a part of the east cliff near the monastery, but extended itself southward along the east bank of the Esk, but also ascended the gentle declivity on the opposite bank toward the west. As the port of Whitby was granted to the monks by William de Percy, and as the fishermen of Whitby are noticed about the same period, the lower part of the town must have been inhabited soon after the Conquest, if not before; and in process of time the largest portion of the town was below, most of the secular inhabitants having their houses on the banks of the river, or on the declivities on each side; while the upper part of the town was chiefly occupied by the offices

of the monastery, and the dwelling of its immediate servants and dependents."

A considerable portion of this is consistent with facts as well as with probabilities; but as to the deductions and qualifications with which it may be finally received, it will be seen in the sequel that they are neither few nor of slight consequence.

But, proceeding with the quotation from the point at which it was discontinued, we read that "before the year 1189 the town of Whitby had become so considerable that the Abbot Richard II., with the consent of the whole chapter, granted his charter for creating it into a borough, with privileges similar to those conferred on other boroughs about that time. By this charter the town was to be a free borough for ever; the burgesses were to have" such and such rights and privileges. However, "the privileges thus conferred on the town of Whitby were soon after confirmed by a royal charter, and had no unfair means been employed to set them aside, Whitby might now have been a royal borough enjoying the right of sending members to Parliament."

Now the proposition here formulated is so extraordinary, so extravagant in point of fact, that although it may seem to be a digression from the direct way of dealing with our immediate subject—the attempt to ascertain the site and the material characteristics of Old Whitby—yet, as the matter is one so intimately connected with our general subject, we may be pardoned if we turn aside for a moment to examine the scope and significance of the foregoing extract from Young's history.

It seems strange that Dr. Young should never have asked himself who was the person or party with whom rested the prerogative of constituting a borough, a possible "royal borough" even, according to his expression. Could he really suppose, if he had given the matter a moment's attentive consideration, that it was competent to the abbot of a by

no means as yet important or influential abbey to "erect a place into a borough"? Surely that must be an exercise of prerogative that could appertain only to the king, or, under certain circumstances, to persons authorised by him, mediately, at least, in virtue of the dignities conferred upon them by his royal grace and authority.

Let us refer to the document itself, in order that we may ascertain what the language employed in it really is, and whether or no some possible misunderstanding of it may not have arisen, and if so, in what way or to what extent. The charter in question is printed in the *Whitby Chartulary* as No. 266 (i. p. 211), and runs thus: "Know all men that I (Abbot Richard II.), with the assent of my entire chapter, have given and for ever conceded Whitby in free burgage, and to the *burgenses* abiding there liberty of burgage, and free laws and free rights"—the laws in question being simply, as a matter of course, of the nature of what would be called by-laws nowadays.

Now the Abbot could of course give only what he had himself received; and he had received from William de Percy (the founder) and his son Alan the vill of Whitby with the seaport, with all such feudal and other rights and privileges as it was competent to the said barons to convey. He had received also from successive kings, namely, both Williams, Henry I., Stephen, and Henry II., full confirmation of the Percy grants, without which the said grants would not have been valid; and besides, such liberties and privileges as had been accorded to the churches of Beverley and Ripon, together with *soca et saca, et tol et team et infangenetheof*[1] within the vill of Whitby and some other possessions. But it is the charter

[1] Full explanation of these terms, and of others of the same nature and involved in the same inquiry, will be given at a future page. The object in mentioning them and the charters containing them here is connected simply with the inquiry as to the absolute local position or site of the ancient town, or group (or groups) of inhabited houses of Whitby, and no further reference is made to the charters in question, or expressions contained in them, than is necessary for the illustration of the specified

of grant and confirmation of the last of the monarchs named which is the most to the point, and from this I extract the following passage: "I grant and confirm to the aforesaid church (of Whitby, namely; and that is to the Abbey) in the said vill of Whitby burgage and a fair at the feast of St. Hilda, with soc and sac, etc.; and let all the comers to the said fair have my firm peace with all their goods, coming and going. I grant and confirm the port also," etc. etc. To us the important part of this grant is in the clause, "concedo et confirmo prædictæ Ecclesiæ in villa de Witebi burgagium," that is, "I grant and confirm to the said church *burgage* in Whitby"; and *burgagium*, or "burgage," is defined by Bishop Stubbs (*Select Charters*, p. 520) as "tenure of land in a borough"—that is, town as opposed to country—"equivalent to free and common socage in the country"; socage meaning "tenure of land on condition of fixed and determinate service, especially that of suit to the lord's court or soken." This then was what the Abbot and Convent were able to grant, and the terms on which it was granted are defined in the "fixed and determinate service" specified in the charter itself; namely, the rendering, in lieu of all other services whatsoever, 5d. yearly for every toft, together with certain other conditions touching the sale of lands in Whitby, settlement of disputes among the burgenses or privileged inhabitants, and so forth. It hardly needs to be added that this immunity from personal services, and whether of the free or unfree sorts or classes, was in those days an enormous boon in itself; while the fixed and determinate service of paying simply 5d. a year, in the way of acknowledgment for the site of each separate house, or site on which a house could be built,

object. In the later section the matter dealt with will be the condition and importance of the town and its inhabitants, and not the position or site of their habitations. Some measure of repetition, in the way of extracts and deductions founded on them, will be observed, no doubt; but no more than is necessary for the elucidation of the special matters of inquiry under the two separate heads specified.

attending the holding of the Abbot's Court, giving the Abbot the first offer when any one desired to sell house or land, and two or three other matters not at all more burdensome than those specified, can hardly be looked upon as detracting much from the value of the concession granted in this much misunderstood charter of the Abbot's.

We see then on what a very slight and feeble foundation both Charlton and Young have built their structure of an "ancient free borough" of Whitby, and raised their wail over the right of Parliamentary representation lost through the "unfair means employed to set their charter privileges aside."

But in this brief and hasty retrospect of charters and facts and circumstances, as they actually were, we have (necessarily perhaps) passed over terms and considerations of such a nature that, at the present day, when both have become obsolete, unless attention is specially drawn to them, full comprehension and much more suitable appreciation of the same and their consequences has become next to impossible. One of these terms is "toft"; and, as we have seen, for every toft the burgher holding it had to pay to the Abbot 5d. a year. Now it is of importance to remember that the toft was the special site of the ancient dwelling-house of whatever grade—short perhaps of the manor-house itself—whether it might be a mere cottage or hut, or abode of somewhat greater pretension. But the word "site" just used must be qualified in this way: the toft was not the mere area occupied by the actual edifice; it was the area within which, with a margin, and possibly a considerable margin all round the edifice, the dwelling was actually reared; so that no two houses stood together, or in contact, as the houses in a modern street do. On the contrary, there were spaces, and very distinct spaces, between each house and its neighbour on either side; on the same principle as the so-styled "villa residences" in the outskirts of a town nowadays.

As to the "fixed service," Dr. Young mentions (p. 501)

"an acknowledgment anciently called *toft-rent*," to which "each tenement is subject, to be paid yearly if demanded. In general it is from 2d. to 6d.; in one instance only three pepper-corns; in another 5d. and two fat hens." But the writer does not appear to recognise the origin and *raison d'être* of such acknowledgment. For just before (p. 499) he says: "At the time of the surrender a great proportion of the houses in Whitby belonged to the monks, an effect resulting from the regulation of Richard de Waterville"—that is, the grantor of the special charter now in question "which secured to the Abbot the first offer of every house that was for sale." But the Doctor overlooks, or probably had never realised, the fact that originally every toft, whether built upon or not (*ædificatum aut non-ædificatum*), was as much the Abbot's as, before the endowment of the Abbey, it had been the founder's; and that no absolute alienation of so much as an inch of the entire fee by the Abbot and Convent was possible without the royal license. He could give, grant, or sell this or that portion, but always subject to an acknowledgment from the grantee or purchaser, which acknowledgment, however trifling, testified to the fact that, after all, he was not the absolute owner. The "freeholder," in the modern sense of the word, did not then exist. The *liberi tenentes* themselves all paid their annual acknowledgment; it might be "a rose in the time of roses," a sparrow-hawk in its first year's plumage (the *sparverius sorus* of a certain document in the Abbot's Book, which so sorely perplexed both Charlton and Young), a certain quantity of incense, a pepper-corn, or other matter of even still less intrinsic value.

What Abbot Richard de Waterville's charter provided for was that, supposing a portion of land so given, granted, or sold came into the market (always subject to such acknowledgment as aforesaid), the Abbot was to "have the refusal" of it; in other words, he was to have the option of reinstating himself at a fair and reasonable price in as full and plenary possession, subject only to the king's rights, as he had originally been.

There are three documents in the *Whitby Chartulary* which are singularly illustrative of the practice involved in this system. They are numbered 12, 19, and 11. In No. 12 Thomas Wybern and his heir grant half a toft in Kirkgate to Alexander Here and his wife, to be held of the grantors and their heirs for ever, on condition of paying them 4s. 6d. yearly, besides 12d. a year to the precentor of the Abbey, and rendering the burgage of the Lord Abbot as much as belongs to a half toft in the said vill. In No. 19 the aforesaid Alexander Here remises and quitclaims to the Abbot and Convent all his right and title in the said half toft for a specified purpose, namely, in aid of the almsgiving of the Abbey. In No. 11 the Abbot and Convent grant and demise to Johannes ad Fontem, otherwise John atte Keld, the same half toft for the term of forty years, on condition of his paying thereout to Thomas Wybern and his heirs 4s. 6d. yearly, and the beforementioned shilling to the precentor. This deed is dated in 1318, and the series of three is specially interesting, not only from the point of view particularly noted, but from the illustration given of the working of the burgage grant made in Richard de Waterville's charter.

One word more as to the privilege implied or conceded in the said burgage grant. According to a singularly interesting and instructive document, headed "Consuetudines Cotariorum de Hakenes," and printed in the second volume of the *Whitby Chartulary*, the services incumbent upon the occupant of a cottage under the Convent, *out of Whitby*, or under ordinary circumstances, were as follows: he paid 8d. yearly, besides two fowls and twenty eggs. In the way of "boon work" (*precariæ* or *precationes*) he had to give two days' labour, hoeing or weeding; four days' mowing; four days' haymaking; to work when required at repairs of the mill and milldam of the vill he belonged to; to give "tol" and "tac" and "mercet," *i.e.* to make a certain arbitrary payment once a year, to pay a certain sum on taking land under the Abbey, and to make a

payment on the marriage of his daughter; and, besides two or three other smaller matters in the way of "service," he must grind at the Abbot's mill, paying as multure one-thirteenth part of the quantity ground. The slightest consideration of these terms is sufficient surely to show that the burgage payment of merely 5d. a toft implied a very real privilege or benefit to the burgher.

But there are still a few words of commentary to be added on one of the statements quoted a little above, as having been put forward by the two principal Whitby historians. It is not true to say that "the privileges so conferred upon Whitby were set aside" in any real sense. I do not mean, of course, that the writers referred to advanced a deliberate, or any other species of untruth; only that they wrote in ignorance, partly due to their first misconception, partly to want of information. The information they lacked is, however, now available to any reader in the charters derived from the British Museum copy of the Whitby Chartulary, which are printed in vol. ii. of the *Cartularium* in question, issued by the Surtees Society. The two charters to which special reference is made are both in Old French, and in the second of them (p. 501), dated in January 1387, which, in fact, is the award of the Earl of Northumberland (acting as arbitrator between the Convent and the burghers tenant and resident in Whitby), the concluding clause is: "Item, quant al auncien chartre del Abbe Richard, ceo ne doit autrement estre interpretez mes come es declarez en la composition William Page et compaignons susditz"; or, in English, "As to the ancient charter of Abbot Richard, it is to be in no other way interpreted than as in the composition (or agreement) with William Page and his associates before named."

Now this agreement with Page and the burghers associated with him is printed as No. 473 [1] in the volume just cited, and

[1] Very careful and liberal translations of both the documents thus referred to are given in the Appendix.

is dated in 1351. It is the settlement of a contention between the Abbot and Convent of the one part, and the town, represented by William Page and twenty-three others named, of the other part, this latter party actually citing the charter of Richard de Waterville in support of their plea. And the decision, after due consideration had of all matters pertinent on which the aforesaid agreement rests, is as follows: "And the ancient charter made before the memory of man, being such as is alleged, cannot avail or take effect save only according to what had been the use and practice in former times." Wherefore the parties come to an agreement on the following terms: namely, that Page and his fellows acknowledge the Abbot and Convent to be utterly Lords (*seigneurs entierment*) of the said vill of Whitby, and to have the seignory and all the franchises, as hitherto claimed by them, within the said vill of Whitby.

It is thus quite evidently idle to say that the charter in question had been "set aside," when questions as to its meaning or interpretation could be and were raised and settled nearly two hundred years after it had been originally granted. In order, however, to set the matter in its true light and prevent misconception, it may be expedient to state in detail the several privileges which the burghers claimed in virtue of the said charter as specified and set forth in the Composition with William Page and others, as they are briefly stated in the Earl of Northumberland's award as constituting all the articles debatable between the two parties: 1. Amends of assise of ale broken, in the Abbot's Tourn twice a year. 2. Plankage in the Port of Whitby. 3. The right of taking earth and stones in or on the Abbot's wastes or commons. 4. The right of pasturage within the Abbot and Convent's Acredike. 5. The fines leviable and levied on the remarriage of widows and the creation of burghers. 6. The "spredeles" of nets (whatever that may have been, the value of them amounting to £7 : 6 : 7 in a year). 7. The

interpretation of the charter made in the time of the Abbot Richard.

All this is of course simply destructive of the notion that the said charter had been "set aside," whether by fair means or foul, and that, if it had not been so set aside, such and such privileges would have remained with the town. And besides, it becomes entirely evident that both Charlton and Young, when writing as they did about the matter, wrote under very grave misapprehension of the main features of the point at issue.

Passing onwards from this digression, we find ourselves in a more advantageous position for reverting to the point at which it was made.

We had already seen that Charlton allowed for some thirty or forty houses and one hundred and eighty to two hundred people as constituting the town of Old Whitby and its population about the middle of the sixteenth century. Young, on the other hand, had concluded that the town had become actually considerable before the close of the twelfth century. But he gives no details and alleges no special reasons for his view, save only the granting of the oft-named charter by Abbot Richard de Waterville; unless perhaps it may be held to be inferred by the way in which he mentions what he calls "the four principal ways into Whitby then existing" as deducible from the terms of the charter.

I think, however, that this would be rather a begging of the question. The charter simply concedes or grants four ways or roads for entering or leaving, entry and exit by which was to be free and quit of all customs and dues, without in the least specifying or localising them, and much less constituting them "principal ways." Charlton is less open to criticism, writing of them as he does: "As for the four highroads mentioned in the preceding charter," is his mode of expression; and that is precisely all that can be said about them, as founded, that is to say, on the way in which they are mentioned in the charter.

This author's view touching them, or rather concerning their direction, is, however, at variance with Dr. Young's. He writes: "There is no doubt but two of them lay on each side of the river; viz. on the east side, one over Spital Bridge, towards Sneaton and Stainsacre, and the other up Green Lane,[1] towards Hawkesgarth and Fylingdales; and on the west side, one towards Flowergate Cross, and the other down Scate Lane, up Backdale (that is Bagdale), and along the present turnpike road. As for Baxtergate, no such street then existed," etc.

Young, on the other hand, after inferring from the charters, as we have seen, that there were then four principal ways into Whitby, proceeds in the following terms: "And it is by no means improbable that they were the extremities of those four streets called gates or ways, viz. Haggersgate, Flowergate, and Baxtergate on the west side of the Esk, and Kirkgate (which now receives the name of Church Street) on the east." "By this route," he continues, "the York Road then proceeded," and also Fylingdales and Scarborough were reached. "Haggersgate led towards the west sands, Flowergate towards Dunsley, Lyth, etc.; and Baxtergate towards Stakesby, Ruswarp, and other places," to wit, Guisborough, Stockton, and so forth. And then, two or three pages farther on, he goes on as if in reference to his supposition that the four principal ways into Whitby were "the extremities of those four streets called gates or ways." There was "more propriety in calling the streets of Whitby at that era *gates*, *gaites*, or *ways*, as they were very unlike the streets of the present day"; and then follows a fair enough account of the aspect of matters in accordance with the time.

But the mistake is in coupling the modern idea of the word "street" with that of the same word as employed at the time in

[1] This is altogether improbable, if not impossible. The highroad towards Hawsker lay along what is now Church Street and up the Church Lane, and a mere "venella," as the Green Lane was to about a century ago, was not likely to supersede the recognised and legally authorised High Street or High-gate.

question. In other words, Dr. Young, naturally enough, entirely fails to comprehend that "street" then had no connection whatever with houses at all, and much less with a line or row of houses even on only one side. There might not be a house within a mile of the "street" named. In fact, there were in this district and in divers parts of it, and as late as the seventeenth century, many scores of miles of "street," actually so called, without a house of any sort near it, except sparsely and at long intervals. I give one instance, the first I come to out of many, indeed almost any number, occurring in the North Riding Quarter Sessions Records: "The streete leading from Faceby to Yarme" is out of repair, and its condition is, in technical terms, therefore "presented." The distance from the village to the town named is not less than nine miles, and even at the present day houses are sufficiently scarce along its whole line. But in the year 1612, to which the entry belongs, there might be one-fourth or one-fifth of what houses there are now, or hardly a house to a mile.

The fact to be kept in mind as regards those old days, and the days older still, of which Dr. Young was writing, is that the word "street" or "high-street" was simply a synonym of the common term "highway" or "highroad"; our English word "way" and the Danish word "gate" being also equally synonymous. The full phrase was "the king's high-street" or "highway," which in the contemporaneous writings in Latin was rendered by *via regia*, or *alta via*; and in that sense, and no other, is the term employed when applied either to what long afterwards became Church Street on the east, or Flowergate on the west. And what is true of the word "street" is, it should be remembered, equally true of the word "gate," in such writings as those under notice. It simply meant then the "highway" or "public road," and is now as much a "provincial" word as any other of the pure Danish words still retained in our so-called Northern "dialect."

The more clearly we keep this in our mind the better

shall we be able to conceive the meaning of the four ways of ingress into and exit out of Whitby, which are mentioned in this much-vexed charter of Abbot Richard's. And then, no doubt, we shall find no difficulty in conceiving that Young is right in his distribution of the *viæ* or roads in question, namely, one on the side of Scarborough and the intermediate country; and the other three leading severally to the sands, and on through Lythe and along the coast to Stokesley, Guisborough, Yarm, and the north; and lastly, by way of Sleights, to Malton, Kirkby Moorside, York, and so forth.

It may be thought that this too is a digression, but in reality it is not, as will be apparent enough in the near sequel. And besides, I do not wish it in the least to be understood as a denial of, or refusal to believe in, such rudimentary streets (in the modern sense) of or about the period of the middle of the sixteenth century, as Dr. Young gives a sketch of at the page last quoted from. It is simply intended as a sort of introduction to the statement that when we first have a sort of tangible, at least conceivable, plan, however incomplete and unsatisfactory, of Old Whitby presented to us, there being nearly one hundred houses, and not merely Charlton's "thirty or forty," roughly jotted down on it, the word "street" does not occur at all. Baxtergate, Crossgate, Flowergate, Greffergate, Hagilsougate or Hagelseygate (represented by Hagilsyke), Highgate, Southgate, Skategate, are all of them met with; Bagdale Lane, Grape Lane, Russell Lane also occur; and likewise Helle, Bridge End, Stairfoot, and "Nigh the Monastery." The whole of Whitby in 1540 was grouped in the vicinities thus distinguished, and it did not extend beyond Skate Lane on the Stakesby side, nor much beyond Baxtergate and Bagdale on the Ruswarp side.[1]

Let us try and keep these rudimentary delimitations in mind.

[1] In fact, it seems to have been almost exactly conterminous with the singularly small district still recognised as the area of the township of Whitby proper—78 acres and 6 poles in all.

What I call "the grouping of Old Whitby" in the year 1540 is not without its interest in connection with the earlier parts of this section dealing with the presumptive site or location of the quite early town. Let us remember that the induction arrived at was that, on the east side of the Esk, very little if any of the old town could have existed on the north side of a line drawn directly across the present bridge. Dr. Young remarks (p. 484) that "not only a part of Baxtergate, but a considerable portion of Church Street and other streets on the banks of the river, must have been built originally where beds of sand were once thrown up"; and that "it would appear hence that the town has been gradually gaining from the sea." But this conclusion is nearly identical in its general bearing with our induction touching what now forms a great part of Church Street, and it will not be without value as we proceed a step or two farther and try to realise what our quasi-plan of 1540 reveals to us touching the contemporaneous condition, as regards buildings, of that part of Old Whitby.

It is this. There were then in Highgate "certain lands" for which 6d. a year was payable, probably—for the record is not quite plainly legible at the place—a house also; two cottages, for which 6d. more was payable; and a cottage at the foot of the stayre (*ad pedem de la stayre*), for which 4d. yearly was payable. These all appear to have been free tenements; but whether so or not, nothing can be plainer than that in the year named, 1540, buildings either for habitation or other purpose were few indeed in this part of Whitby.

But it will be asked, What is the authority for these or any such like statements? Whence is the so-called "plan," upon a part of which they must be assumed to depend, actually derived? And on what authority is Highgate assumed to have been located between the Stair-foot and the end of the existing Bridge Street, if not farther north still?

The answer to the first question is the documentary evidence afforded by the records denominated "Ministers' Accounts," dating 31 to 38 Henry VIII. (1540-1547), in the part thereof touching "the late Monastery of Whitby." And the answer to the second is that, as we have already had occasion to note, Highgate and High Street are synonymous terms; and that the meaning of either at that date was simply road or highway; and further that a hundred years later (or in 1638, to be quite precise) this same road, highway, street, or gate is authoritatively described as "leading from the foote of the church staires unto the towne of Whitby," thus indisputably proving that at that date the "town of Whitby" was much to the south of the church stairs.

But it will be well to make good every item of that which is herein alleged. And, to begin at the beginning: The document referred to as supplying the answer to the first question is printed in vol. ii. of the *Whitby Chartulary*, p. 719, and several consecutive pages, and is officially described as "the account of all and singular the bailiffs, *præpositi* (or reeves), collectors of farm rents, and other accounting officers of the proceeds of all and singular the demesnes, manors, lands, and tenements, and other possessions and sources of income alike temporal and spiritual whatsoever, appertaining to the late monastery aforesaid, all and singular of which demesnes, manors, lands, and tenements, etc., have come into and remain in the possession of the said king by reason of the free resignation and dissolution of the said late monastery," etc. etc.

In connection with the answer to the second question, moreover, it should be remembered that the formal or more elaborate "highway" of the times was the flagged causeway, "pannierman's causey" or "horse road," many of which still remain in the neighbourhood of Whitby, and mostly alongside of the modern macadamised road or highway. And the less formal or elaborate road was simply a track-way made by

what is termed "the traffic" along any given route, whether conducted on foot or on horseback, or by the narrow carts and wains of the day.

As to the locality of Highgate or High Street the evidence is as follows: In October 1638 the inhabitants of Whitby were presented at the Thirsk Quarter Sessions for "not repairing the king's highway leading from the foot of the church staires unto the said town of Whitby," and the townsmen were ordered to be fined in the sum of £40 if the necessary repairs were not effected within the next three months. The fact that at a subsequent Sessions they appealed for more time, on the ground that the road could not be sufficiently repaired within the given time, gives a lively idea of what the condition of the said "highwaie" or "highgate" must have been, while the wording of the order enforces the inevitable conclusion that the "town of Whitby" did by no means begin at the foot of the stairs. The second entry, moreover, is equally conclusive as to the considerable distance intervening between "the foot of the church stayres" and the then town. The inhabitants allege "that it cannot be sufficiently repaired in so short a time," an allegation which surely could not have been put forward if the "said highwaie in a place leadeing from the foot of the stayres into the town" had occupied but the space of a score or two of yards.

On the whole, allowing for the ascertained rarity of houses in this division of what is now a part of the town of Whitby, in or about the year 1540, and accepting the inferential as well as direct testimony of these two orders made a century later, the only possible conclusion we can arrive at is that up to 1640 the town of Whitby extended very little beyond the line threading Bridge Street, in the direction of the church stairs; and that the part of what is now Church Street, but which was then or soon after known as Highgate, being the king's highway from the stair foot to the town of Whitby, is in this way fully identified.

Assuming, then, this identification of what used to be called indifferently High Street, Highgate, or Kirkgate, with that part of the modern Church Street which lies between the end of Bridge Street and the lower end of the church stairs to be satisfactory and complete, we may find it expedient, on continuing our inquiry, to recall the precise position of the imaginary line supposed to be drawn across the bridge from the Old Market-place or St. Anne's Staith into Church Street. For that will serve as an occasion for venturing the inquiry, "Is it quite certain or assured that the bridge in its earlier epoch stood precisely where it stands now?" Or, to put a part of what is essentially the same question in another form, "Does any one suppose that the only access to the bridge from the lower or broad end of Flowergate was by the narrow twisting, almost unavailing Golden Lion Bank of the present day?" I cannot help thinking there is a sort of anomaly involved in this inquiry, which if recognised and examined into will provoke a measure of useful consideration.

Let any one look at such plans of Whitby as those which are given by Young (facing p. 504), and by Charlton at the beginning of his book, the former dating in 1740 and the latter just thirty-eight years later, and note the quaint intervention of the block of buildings between Golden Lion Bank and St. Anne's Lane; and again, and with equal attention, the abrupt interruption of the general direction of Baxtergate by the like block between Horse-mill Ghaut and the west end of Bridge Street, and then say what must be the answer to the second of the above questions, and may be the answer to the first as well. As regards the latter, this much at least is certain: that on 12th July 1609 the Surveyor of Whitby Bridge was, by order of the Court of Quarter Sessions holden at Thirsk, to receive 3s. 4d. "for triall of the fitt ground for the placeing of the new bridge there," an estimate touching the cost of the construction of the said new bridge having been given in in January of the same year (*North Riding Records*, vols. iii. 46,

To face p. 185.

and ii. 319). Now this answers our question decisively. Between January and July in the year named "triall for fitt ground for the new bridge" had been made; and, moreover, a considerable sum, as compared with the bridge-building grants of money then customarily made, or nearly £70, had been spent upon the bridge in question. In the face of such expressions it goes without saying that the new bridge was on a different site, whether more or less removed from that of the previous, though most likely still surviving or respited one, which had been condemned as defective.

Again, look at the plans just now adverted to, and consider the suggestion which is supplied by the general direction of Baxtergate, and by the vacant space at the lower end of Flowergate, now built upon, but then open and free. Surely this is only another way of indicating that the presumption evidently, not to say inevitably, must be that Baxtergate equally with Flowergate (as regards the converging nature of the directions which were theirs) must have met in a wide, open area at the end of the bridge, and that in order to accommodate itself to the direction of Baxtergate, the bridge-end must then have been sensibly, even if not very far, to the south of the position of the present end of the bridge.

While a few moments' consideration is amply sufficient to manifest the reasonableness of such an assumption, there seem to be some grounds of a totally different character for arriving at the same conclusion. Dr. Young, p. 372, expresses his firm conviction that the original St. Ninian's Chapel stood at the north-east end of Baxtergate, close to what is called "Horse-mill Ghaut." While there is no reasonable objection to this hypothesis, there are good and valid reasons, over and above those stated by Young, and of an earlier date, for its acceptance; and one of not the least curious and significant among them is the ascertained customary proximity in mediæval times of bridge and chapel. M. Jusserand, in his *English Wayfaring Life in the Fourteenth Century*, dwells, and not with

undue insistency, on what he calls "the pious character" of bridge-building and bridge-reparation, and he quotes the accompanying chapel which, in not a few cases, stood actually on the bridge itself, or otherwise was "an oratory by the side of the water," as effectually attesting the said pious character. Certainly the position of this old St. Ninian's, on a site that could scarcely in those days have been other than on the sand —there being scores of acres of sound and solid ground obtainable in the near vicinity—is one to occasion some little surprise unless explained, and therefore to suggest the expediency of endeavouring to meet with something of the nature of such explanation. And this seems to be afforded, if we assume that it was placed side by side with the Baxtergate end of the oldest Whitby bridge.

As corroborative of this view, it may be mentioned that there was a bridge at Holmswath and a chapel by it previously to the year 1400, and that the modern name of the survival of that bridge is Egton Bridge. Besides which, there was another bridge in the same district, only nearer to Beck Hole, as I am inclined to think, also with a chapel by it, dedicated, as possibly it may be some day shown, to St. Leonard. And quite possibly another corroboration may be found in a fact which seems rather to have perplexed Dr. Young; I mean that "the oblations thrown into St. Ninian's box were more than what were cast into St. Mary's." His proposed explanation is that they were "oblations from the profits of trade." Suppose, however, that we amend the suggestion by assuming that they were, as Jusserand expresses it, "pious offerings made at the chapel of the bridge and to its warden." For I suppose that few, possessing only a moderate acquaintance with the history of early bridge-building, would be found ready to deny to the Convent a somewhat important share and interest in the bridge-building and bridge-maintaining operations at Whitby.

But to revert once again to the "grouping of Old Whitby,"

which, as has been seen, cannot but be placed to the south of a line drawn across (or along the length of) the present bridge; at least, indisputably so, as far as the east side of the river is concerned. Then this is what is supplied by our record, or means of forming a quasi-plan: One cottage in (or on) Grape Lane, rented at 6s. 8d. a year, and a garden rented at 8s. And here attention should be paid to the difference between the amounts paid as rents for cottages, etc., and the sums paid as acknowledgments by or for the free tenements—3s. to 10s. in the one case, 4d. to 6d. in the other.

Next after Grape Lane we have in Crossgate a cottage rented at 6s. 8d.; a second at the same rate, with a close, at 1s. 4d.; a third, with its appurtenances, at 7s.; a fourth (copyhold) at 6s. 8d.; a fifth and sixth at 4s. each; a seventh at 3s.; an eighth at 6s.; a ninth at 7s., with a cellar attached at 2s. more; a tenth at 5s.; an eleventh at 7s.; a twelfth at 5s.; a thirteenth, and onwards to an eighteenth, at 3s. each; a nineteenth at 6s. 8d.; three others at 4s. each; a twenty-third at 3s.; and a twenty-fourth at 10s.; besides two horse-mills at 2s. and 3s. severally; and a shop at 12s., which, together with the cellar, is specified as being below the Tollebooth.

Next in order we have Southgate, with the tenements in or abutting upon it. These are six cottages, let respectively at the sums of 3s., 3s. 4d., 5s., 6s. 8d., 8s., and 9s.; and besides these, two gardens let at 4s. each.

But a pause in the tracing out of our postulated plan should be made here in order to note and, if possible, arrive at the absolute localisation of these two gates or ways, Crossgate and Southgate. Dr. Young (p. 486) says: "No street in Whitby has obtained a greater variety of names than Kirkgate, for besides that ancient name it has been called at various periods Highgate, High Street, Crossgate, Southgate, Churchgate, and lastly, Church Street." But this dictum of the Doctor's is characterised by great looseness, not to say

inaccuracy, of speech; for, as we have fully realised, two of these names, viz. Highgate and High Street, are simply synonyms and count but for one; and that one, or Highgate, with Crossgate and Southgate, do not present us with names belonging to "various periods," but contemporaneous, which therefore of course must have been applied with practical or actual delimitation to different parts of the same actual gate, road, or highway.

As for Highgate or High Street, we have developed that already. It extended from somewhere very near, if not actually coincident with, the end of the Bridge Street of to-day to close by the stair-foot, probably to within a very few feet of it.

As to the relative position of Crossgate and Southgate, the inference is easy and obvious. The furthermost part of the street as it extends towards the south, or in the Spital Bridge direction, must of necessity be Southgate, and Crossgate must be intermediate between it and the end of Highgate. The exact line, however, at which Crossgate ends and Southgate begins is less easily defined. In a will dated in 1426, tenements in Bagdale, Southgate, and Grape Lane are mentioned, as also one "super cornellum ejusdem versus Crossergate" ("upon the front thereof towards Crossgate"). This makes it certain that Grape Lane debouched upon Crossgate; and this again is consistent with an old plan of Whitby as the town was more than a hundred years ago, which makes Crossgate reach from Bridge Street to the end of the wider part of the street past the end of Grape Lane, and where the thoroughfare begins to widen as one advances towards St. Michael's Church; or, in other words, to the entrance of Alderswaste Ghaut.

But before leaving this side of the river in the prosecution of our survey, it will be well to notice that near the Abbey ("juxta nuper Monasterium") there were two cottages with a close, rented at 16s., two more at 3s. each, and two others

at 6s.; and that is the utmost extent to which the list of habitations in that part attains.

Crossing now to the other side of the Esk we find a locality called Helle, which seems to have been of not altogether unimportant dimensions, for there was a garden there rented at 4d. a year; three cottages at 4s. each; a fourth at 3s.; a fifth at 3s. 4d.; a sixth for which only 1s. annually was paid; and three others at 5s. each.

The identification of this place, fortunately, is not difficult. There is a narrow, rather steep lane leading to St. Anne's Staith from the north-east corner of Flowergate, usually called St. Anne's Lane. Northward from the end of this lane, as one proceeds along the houses or shops on the Staith, is a blind yard. This yard is part of the old Helle, and is so described in old deeds. But Helle itself must have extended for some little way on each side of the yard in question. Nay, even so recently as less than forty years ago, St. Anne's Lane was still called "Hell Lane."

In the next place we have, in our documentary plan, mention made of Bridge End ("ad finem pontis") and Ponte-garth. Now it cannot be asserted positively that these two localities were on the Baxtergate side of the river, but there seems to be no reason at all for thinking that it was not so; and when we remember the large garden—for the rent paid for it shows it to have been a large one—on Grape Lane, there seems to be no space on that side for the garden at Bridge End rented at 4d., and for the other garden called "Ponte garth": besides, the four cottages in the same locality, severally let for the sums of 8s., 3s. 8d., 4s., 6s. 8d., as well as a toft not built upon and let for 4d. a year, involve too great a space to find place there.

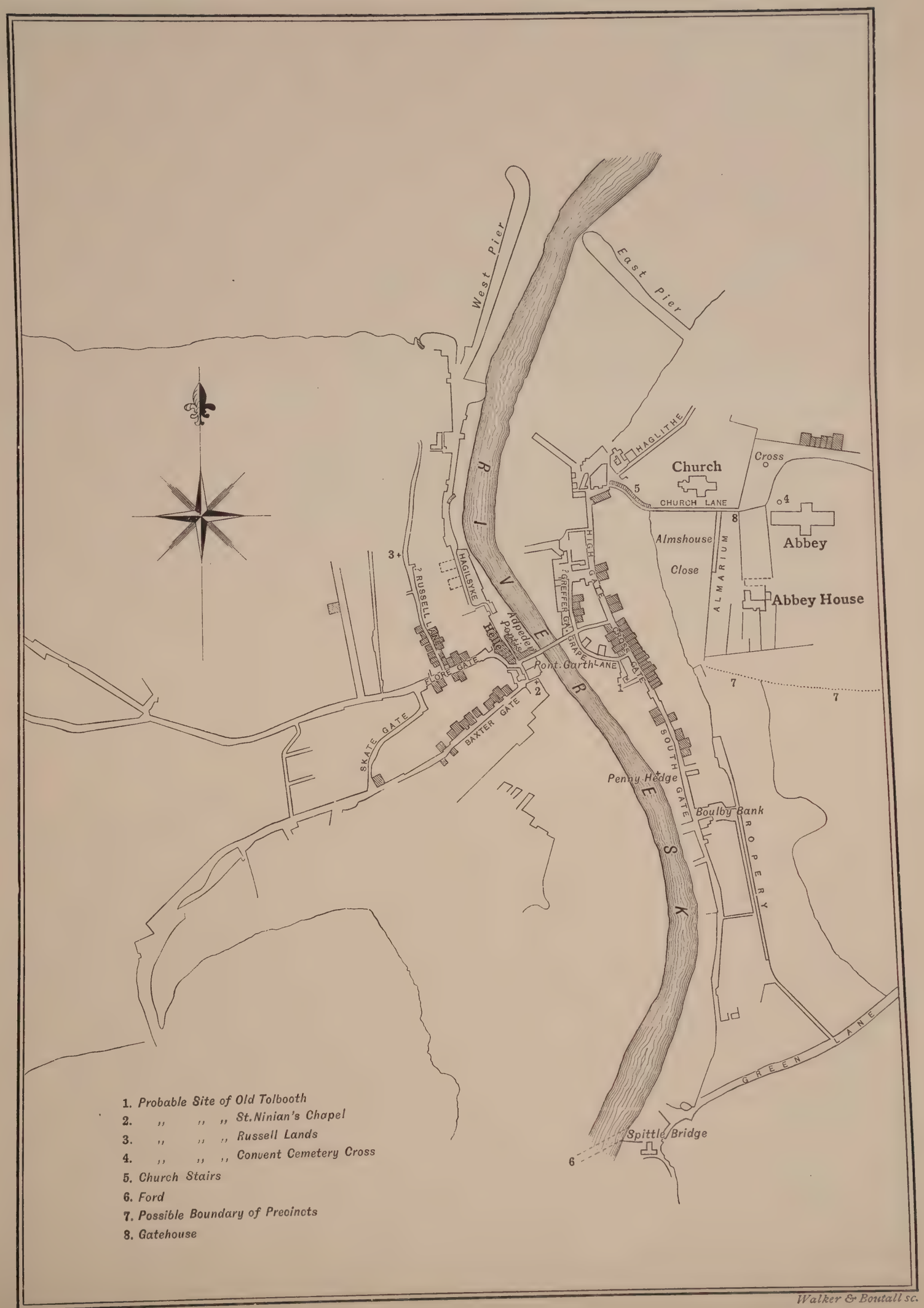
But we still have Baxtergate to pass under review, and Bagdale beyond it as well. Then also at a higher level there are Flowergate and, at least presumably, Russell Lane and Russell Lands, besides Hagilsyke or Hagelsougate. And first

for Baxtergate. On this "via regia" or highway there was a tenement rented at 12s.; a cottage at 6s. 8d.; another at 3s.; a third, fourth, and fifth at 4s., 5s., and 3s. severally; a sixth and seventh at 5s. each; an eighth at 8d.; a ninth and tenth at 5s. each; then three more at 3s. each; other three (making sixteen) at 4s. each; two others at 3s. and 3s. 4d. severally; three more at 5s. each; and a twenty-second at 3s.; besides which, there were a garden called Helle, a piece of land on the north side of the "king's highway" set at 3s.; two small crofts near Bagdale Lane, on the west side of the water, let for 3s.; a shop let for 5s.; a garden for 4s.; and another garden, a small one, let for 8d. a year.

In Floregate (or Flowergate)—and here, unfortunately, the document, injured either by damp or time, or both, is imperfect, so that details are wanting as to the greater part of the free tenements—there was a free tenement of some kind for which an acknowledgment of 2s. was paid; two cottages at 4s. each; four others at 4s., 6s. 8d., 6s. 6d. respectively; and a garden at 4s.

In Hagilsyke there were two waste places for which 6d. yearly was paid by James Conyers, free tenant.

And then we come to Russell Lane and Russell Lands, as to the exact locality of which we have no precise details or indication. But it cannot fail to be observed by any one who has followed these data up to the present point, that, while other districts in the actual "Old Whitby" are well filled up according to the circumstances of the time and their requirements, we have a very considerable space indeed to the north of Flowergate and the west of the high ground above Haggersgate—the whole area, indeed, enclosed within the lines of Haggersgate to the east, Flowergate on the south, and Skinner Street on the west, and towards the sea-cliff on the other side—altogether unappropriated. The locality called Russell Lands must, I think, have found its site within this space, and it is more than probable that what is now Cliff Street or



Walker & Boutall sc.

To face p. 191.

Cliff Lane may have been the old Russell Lane. In this lane, however, situated wheresoever it may have been, there were in all thirteen cottages, variously rented at 3s., 5s., 4s., 11s., 12s., 6s., 4s., 4s. 8d., 4s., 12s., 4s., and 5s., besides two gardens at 1s. 4d. In Russell Lands, although from the cause already mentioned without individual description, there were certain lands in the occupation of James Conyers, free tenant.

And yet again, besides the "gates," roads, or ways already specified, there was another called Greffergate, as to the site of which even a possible surmise can hardly be ventured. But it must not be left out of the enumeration, for upon it there were a tenement for which a rent of 16s. was paid, and three cottages valued respectively at 5s., 3s. 4d., and 1s. 2d. Gregory Conyers made a payment for a house "juxta communem (viam)"; the wife of one Smith held certain lands for 1s. a year, and James (Conyers, probably) held a certain tenement, but where and what is not decipherable.

Such then is the glimpse we are enabled by the Ministers' Accounts to obtain of Old Whitby at the time of the Dissolution of the Monastery. In one particular the sketch thus presented may be incomplete, perhaps may fall considerably short of being complete, and fail to exhaust all the particular information available. For we know from other sources that there were other buildings, herring-houses to wit, belonging to the Abbey; and beyond doubt there would be storehouses of other kinds, though perhaps not so very many. But, after all, these buildings might not make such a very great difference in the aspect of the place as we have been trying to see it. They would all have been necessarily in the immediate occupation of the Monastery itself; and so would not be rated as the free tenements, and the rented cottages or dwellings, with the gardens, crofts, and the like, necessarily were. At any rate, from the detailed mention made, however imperfect, of the free tenements on the one hand, and of those which paid actual rent on the other, we have a very fair means of judging

what Old Whitby really was in the year 1540 and thereabouts, and are abundantly enabled to apprehend how decidedly Charlton's rather flippant "thirty or forty houses, with 180 to 200 inhabitants," falls short of the truth, and how Young's more guarded but indefinite language fails to give any adequate idea of it.

For, the lowest numerical reckoning we can make as we go over these entries one after another shows us that there were well on to a hundred inhabited dwelling-houses in Whitby at the date in question, besides horse-mills, cellars, shops (very few in number), gardens, and so forth. And a hundred habitations will give us a very respectable population, even if we adopt—which we are forbidden to do by the facts—so low an estimate as a little under six souls to each inhabited house.

Some points of special interest may be noted in the grouping of the houses as indicated in our conjectural plan. Thus, Crossgate, with nearly one-fourth of the inhabited houses of the period, was the chief centre of the population; which is just what we should *a priori* have expected in view of the considerations advanced at a previous page. Helle (with its adjuncts at Bridge End and Ponte-garth) and Russell Lane, each with its average of over a dozen dwellings, come in next for notice as affording nuclei for the quickly ensuing accrescence of houses which soon caused them to enlarge their borders. To these succeed Floregate and Southgate, each with their six or seven habitations; and so with the rest.

There is no doubt that a great deal more than has been so far advanced might be made out by one who had the necessary time and knowledge to devote to the subject, by no means omitting the necessary critical equipment. As to the lines on which such an inquiry must be prosecuted, I may say that what has been recorded by Dr. Young is of the greatest value and importance. So is much of what has been given by Charlton when once one can distinguish between fact and fancy, or mere baseless assertion. Old deeds, old leases, old

memoranda, old plans or maps, and by no means the least, the small plans so often found affixed to old conveyances, nay, even old letters occasionally, all are fertile sources of information.

A still further and equally important source of information is to be found in old wills. Thus reference was made above to a will which gave the names Bagdale, Southgate, Crossgate, and Grape Lane as extant in 1426. In the same year another will mentions a "venella" or lane called Brewster Lane in Kirkegate, and a "clivus" or cliff called Alinorigarth. A Wayngate in Bagdale is mentioned in 1432; and in 1396 Grape Lane is named in what I assume is its earliest and original form. And close by, apparently, is a spring called Seynt-Hild-keld, possibly where the so-called "Virgin pump" stands, or stood, not so very long since. In 1417 Schat-gate, of course the original of Skate Lane, is specified; and the testator bequeaths his barn there to his son-in-law and the daughter married to him.

I will give but one other illustration of this sort, and then have done with this section. In 1483 John Stevenson, Rector of the chapel of Sneaton, directed his body to be buried in the burial-ground of St. Mary's at Whitby, on the east side of the great cross. It would take a great deal more personal knowledge and acquaintance with documentary evidence than is possessed by one man in a thousand to prove that the great cross still standing just outside the churchyard at Whitby is not the "Great Cross" in question. For my own part, not unfamiliar as I am with encroachments made in former days, not far remote from the Dissolution period, on parochial burial-grounds (my own at Danby among others), I have no doubt whatever that the bones of this old-time Rector of Sneaton were laid to rest on the Abbey side of this much misunderstood "Great Cross."

Note.—There is a curious—curious by reason of its date, which is subsequent to the Dissolution—memorandum of the last institution of a Rector of Sneaton by an Abbot of Whitby recorded in the document printed as No.

458 in the *Whitby Chartulary*. The institution was made in the year 1548, and it rehearses the conditions under which, according to Abbot Benedict's concession (made as nearly as possible four centuries earlier), the bodies of the dead belonging to the chapelry named were to be buried. They were to be buried in the cemetery of the parish church of Whitby. No one of them was to be carried for burial to the cemetery of St. Peter,—that is, of course, the cemetery within the Abbey precincts, the cemetery of the monks. "The lord of the vill (Sneaton)," however, or the "clericus," without leave asked of the parson assigned to the chapel, was to be buried in the said cemetery of St. Peter, if he had so elected in his lifetime, or his friends after his death had so requested. Other conditions are named over which there is no need to tarry.

It so happened that two rectors of Sneaton, and as it would seem two successive ones, left testamentary directions concerning their several interments. The former of these, who had been preferred when still a monk, John Nyghtyngale by name, expresses his desires in 1474; the other, John Stevenson, in 1483. The terms employed in Nyghtyngale's will are as follows: "Also I desire, and my last will shall be, that my body, as that of a faithful and obedient son of the Lord (Abbot) Thomas Pykeryng, be buried within the monastery of SS. Peter and Hild, on the north side, before the Cross, in my monk's vestments, according to my profession and promise."

As the cemetery of the monks was of necessity on the north side of the monastic church—the other sides being all taken up with the various monastic buildings and the special approach to the church—I consequently take the "in boreali parte" to denote the north part of the space on the north side of the Abbey church; and this leads to the not unimportant conclusion that the cemetery cross in the monks' burial-ground was at no great distance from that part of the wall which was recently demolished in a way not very creditable to any one concerned.

In 1483, as it was said, or nine years later, John Stevenson, Rector of Sneaton, bequeaths "his body to be buried in the cemetery of St. Mary's Church of Whitby, on the east side of the Great Cross, by the body of his mother."

Now this not only gives us the fact of a second cross and a second cemetery between the north side of the Abbey and the parish church, but does so by informing us that the cross referred to was itself a second cross. If there had been no other cross in the cemetery of St. Mary's, the distinguishing epithet "Magna" would have been alike unnecessary and meaningless. There must then have been another and a lesser cross in the cemetery somewhere. And this is exactly what any one only moderately acquainted with ancient church usage would have looked for. The normal position of the churchyard or cemetery cross was on the south side of the church, not very far from the entrance to the holy building, as may be seen in not a few churchyards in England still. With all those outlying

townships and chapelries appertaining to Whitby, the inhabitants of which were (mainly, at least) under like obligations as to burial as were those of Sneaton, there can be no doubt that what are now called "additions to the burying-ground" of the mother church would soon have to be made; and thus it is easy to see how there might arise occasion for a new or even an additional graveyard cross; and, at least, the architectural features of the cross on the miscalled Abbey Plain indicate a much later date for it than that of the original graveyard cross could possibly have been. Besides, from its imposing dimensions and general grandeur of conception and construction one can easily see how the descriptive word "magna," or great, would assuredly come to be applied to it.

That the boundaries and dimensions of the churchyard have sustained both modification and alteration is a matter of even recent history.

If it be asked when and why that which had once been a churchyard, and a cross which had once been a cemetery cross, had been severed from and put outside of the hallowed precincts (a part of the contents of which they had once been), it must simply be said: "The when and the why are both unknown, as is the case also with sundry and manifold other places up and down the entire country." Thus an additional space was required in the parish of Danby. It was obtained, added to the old graveyard (on which it abutted at the east end), and consecrated in the year 1860. No long time elapsed before in the process of grave-digging it was discovered that this newly added piece had already at some by no means recent time been used for the same purpose. Yet the bit that was added was taken from a field which had been one of the fields of the Church House Farm time out of mind. Another instance is still nearer Whitby. In Domesday times there was a church at Seaton in the present Hinderwell parish. I wanted to discover the precise site of this church or chapel. I knew that stone coffins, at least three in number, had been dug up in one of the fields some half mile or so distant from Seaton Hall. I made inquiry singly, and in company with friends, at different times, among these the late Mr. Armfield and Canon Greenwell; but, as regards precision, altogether in vain. The site of the church, and even of the graveyard, had been lost sight of, and the most exact information I could obtain was, "It was somewhere about yon place on yon hillside." The same thing that had happened at Danby and at Seaton has happened at Whitby also. What was once God's Acre has ceased to be so, and no one can tell when or why or how.

THE SITE OF THE MARKET-PLACE IN OLD DAYS

THE market-place in old towns is not, generally speaking, a place concerning the site of which much uncertainty prevails, or room for lengthened discussion is afforded. It seems to be otherwise with Whitby. According to some authorities the site of the market-place of this town was up on the cliff, in a sort of intermediate position between the parish church and the modern entrance to the Abbey precincts. Then again, the existing name "Old Market-place" certainly indicates that the market-place nowadays is in a different place from that in which it was in the old days referred to in the name itself.

As regards the first-named of these sites I remember that some four or five years ago I was reported, and quite correctly, to have said in public—on occasion of some Petty Sessions proceedings, in point of fact—that I thought Mr. Charlton's notion that "the mart for fish, as well as for all other sorts of commodities, was constantly held at the old cross above the hill," an eminently absurd, and, indeed, preposterous notion. Regarded from a business point of view, no thinking man can consider it as anything else. Certainly Mr. Charlton remarks with charming simplicity that "holding the market at such a distance from the river and from the residence of the principal inhabitants of Whitby" was, no very long time after the Dissolution, "found to be inconvenient"; and one is naturally inclined to inquire whether the same elements of inconvenience were not in existence previously to the Dissolution. Besides,

why should the "resort to the cross above the hill become less frequent" after the "fraternity of monks was dissolved"? In what way did or could the absence or the presence of the score or two of monks and lay-brethren who constituted the "fraternity" at the Dissolution, and for some length of time previously, affect the market more or less, whether it were held at "the cross above the hill" or elsewhere?

The truth is that in Mr. Charlton's mind, and, it is to be feared, in the minds of not a few of his readers, as well as of the readers (and writers too) of "local history," there was and is but a dim, indistinct, confused idea of what a convent really was, and of how little its inmates had to do with the secular world, or the secular world with them. Certainly it is apparent enough that neither of the elder historians of Whitby realised the fact that the monastery of the old days was jealously guarded, and access to its inmates, and their liberty to go out or enter in at their own discretion, strictly limited. Indeed, it almost looks like the intrusion of a novel idea to suggest that, as a matter of fact, so long as the monastery remained, it, with all its buildings, courts, cloisters, offices, was girt in with a strong high wall; and that admission was through a great architectural "gateway," the wide portals of which were opened only on special occasion, and all ingress or egress by the massive side door or gate supervised and controlled by the Convent porter, who knew his place depended on his fidelity in the discharge of his duty. One may still see amid what is left of some of the larger religious houses of North Yorkshire—as at Guisborough or Byland—what, and how guarded, the great gateway of an ancient convent really was.

But there is still another consideration which presents itself for recognition and consideration at this point. The monks individually had no private bargains to make. They were supposed to have no money to buy with and no goods to sell. The rules of different orders might vary in divers particulars, but in all essentials the principle was the same,

and the vow of poverty was, I think, taken in all cases. And as to the community, or the convent as a body, its business was transacted by the bailiff, bursar, cellarer, and so forth. Moreover, it would be well to bear in mind that the Convent had much more to sell than to buy; and, from the nature of the case, the selling would hardly be done very far from the place of production, and certainly not anywhere near the "cross on the hill." They grew their own corn of all sorts, used what they wanted of it, and sold the surplus, by no means a small quantity. And the same with their beef and mutton and pork, and butter and cheese. Then again, as to fish: their dues and tithes in kind amounted to so great a quantity that, besides large payments in kind in different quarters, their receipts for fish sold annually came to a very considerable sum. Thus, in the half year's account from 11th November 1394 to 30th May of the following year, they received under this head no less than £42:8:3, a sum which might very well represent £600 or £700 of our money at its present value—an ox or a cow being valued at about 10s. in the same reckoning. And as sellers, I repeat, that they would of course sell where it was most convenient to sell, and not where both they and their customers would be put to the greatest possible amount of "inconvenience."

But all this, it may be said, is negative, and does not override the facts to the contrary, if such facts there be. In answer it may be advanced that the facts, as well as the presumptions, are all the other way. In the first place, in the time of Abbot Thomas de Malton, or between 1304 and 1322, the market, for corn especially, but for other vendibles also, was held in "villa de Whitby," a phrase which can by no ingenuity be twisted so as to mean "out of the town of Whitby." Now this does not rest on my, or any man's mere assertion; it is apparent from the "articles of agreement" between the Abbot just named and Sir Alexander de Percy of Sneaton and Ormesby, about which, and whom, Charlton

makes (as is noticed elsewhere) the most startling series of misstatements as well as blunders. Sir Alexander claimed, as of hereditary right, the liberty of buying and selling in the vill of Whitby without payment of *theoloneum* (toll), which was leviable, as we ought to observe, at the *tollbooth* (not the "old cross"),—from which circumstance, indeed, the name of the said office is derived. His claim was conceded only under the following conditions or understanding: if he wanted to sell corn grown on his "manerium" of Sneaton, he was at liberty to do so without payment of toll or custom; and the like if he found occasion to buy corn "in the port of Whitby for his own consumption at Sneaton." But if he wanted to sell corn bought elsewhere than in Whitby, or to sell corn bought there to go to some outside place, he was by no means to be free from the payment of toll or custom. Moreover, the Abbot conceded to him that he might procure a measure or bushel to be made, have it gauged and approved by the bailiff of the Convent as a true or standard measure, and then have it stamped or sealed accordingly with the Abbot's own stamp, in token that it had been tested and approved. Such measure was then to be kept safe where the Abbot's tourn was held—at least, that is how I understand the terms "custodiendum turnis." Dr. Young translates the phrase by the words "committed to the custody of the market-clerk," which certainly cannot be right. The Abbot's tourn appears to have been held twice a year, receipts on account of it being acknowledged in the accounts rendered for each half year. Where it was held is another matter, but from the nature of the court so denominated it is almost certain that the officials connected with it would have a safe place of deposit, and it hardly needs to be remarked that such a place would obviously be the proper place for such articles as the measure referred to.

Arriving thus at the general conclusion that the ancient market was really held in "villa de Whitby," or within the

limits of the old town of Whitby, and certainly not out of the town, or at a distance from it, it is quite possible to go a step farther and make it clear that there is no uncertainty as to the precise site of the ancient market held in the vill of Whitby.

With this view we can hardly do better than notice what Dr. Young has written at p. 572 of his *History*. His words are: "In what particular part of the town the fairs and markets were anciently held it is not easy to decide. Perhaps they were, at various times, held on both sides of the river. . . . But the spot where the markets were usually held rather appears to have been on the west side of the Esk, in the place that is still called the Old Market-place. This was the centre in which the principal streets, Flowergate, Haggleseygate, and Baxtergate met; and its proximity to the Bridge and to St. Ann's Staith, where goods were anciently delivered, must also have pointed it out as the most eligible place."

As to this same Old Market-place, Mr. Charlton writes: "With the consent of Mr. Cholmley, a place was pitched upon for the purpose of holding the market, on the west side of the river Eske, which is known by the name of the Old Market-place."

This author's idea then evidently is that the Old Market-place dates back to the time when the Mr. Cholmley referred to was in a position to give his consent; and both the date quoted and the inferences advanced place that time not very long after the dissolution of the Monastery, or about or soon after the middle of the sixteenth century. But it is necessary to observe that, as in so many other cases of positive allegation by Mr. Charlton, the story of "Mr. Cholmley's consent" rests solely on that writer's *ipse dixit*. There is not an atom of known authority for it. And it should also be noted that, having himself (so to speak) removed the market from the vicinity of the "old cross upon the hill," he was bound to find a contemporaneous, as well as a new, site for it, and found it

accordingly in what has subsequently been called "the Old Market-place."

To revert, however, to what Dr. Young says. There can be no doubt as to the validity of the considerations he adduces in support of his conjecture as to the most likely place for the market to have been held in; and all that is wanting is sufficient evidence to convert his very probable conjecture into absolute certainty. And this evidence both he and Charlton in reality held in their hands, if only they had known how to eliminate it. What I mean is, that Young quotes Charlton as recording (at p. 308) the sale of a house near the Old Market-place in the year 1609. The paragraph is worth quoting, and runs as follows: "Leonard Newton of Staynsikarr, merchant, sold the market-stede house to Leonard Bushell of Whitby, merchant, with right of ingaite and outgaite to the lofts above the shops, situate in the town of Whitby, and on the west side of the said town, having the Market-place towards the north, the east end of Baxtergate towards the south, the Stayth towards the east, and the lands of Nicholas Bushell, gentleman, and Anthony Marsingill towards the west." Mr. Charlton's commentary upon this is: "By which it is apparent that this house had then no other building near it, though it now stands in the most crowded and populous part of the town." The commentary is well worth noting, particularly in reference to the question whether there was actually room for a market there,—a question which really has been mooted.

The matter to be especially noted, however, is the name by which the house in question is distinguished, or "Market-stede House." Charlton, as we have seen, claims a date of about 1550 or so for the site called "the Old Market-place"; but earlier generations had heard the same place, or one in the closest vicinity, called the "market-stede"; and the word "stede" so used is strictly an archaic term. It is as old as the time when what we describe as Anglo-Saxon was spoken, and it cannot be younger, in such application, than the time

at which our usual English word "place" superseded its older equivalent "stede." Thus the name—for it really is a "place-name"—*market-stede* may easily be as old as the first holding of a regular market in Whitby; and, at the latest, is what is usually called "Middle English," or say English of the thirteenth and fourteenth century.

Put this into other words, and it comes to this, that, as early as Sir Alexander de Percy's time, or about 1320,—and how much earlier no one can say,—the *stede*, or place, or site, of the market in the town of Whitby was as well ascertained and universally known as the *stede*, place, or site of the cemetery (or churchyard) of St. Mary's, the Stair-foot, or the exact lines of the several roads (such as they were then) called Flowergate, Baxtergate, Haggleseygate, Highgate, Crossgate, and Southgate.

And then again, as to the amount of space available for market-place purposes there and thereabouts, I do not think that any one who takes the trouble to read the sections of this book which deal with what I have called the "grouping of Old Whitby" is likely to feel the least doubtful. Nay, Mr. Charlton himself has given us his views on that matter, and at a much later date than that which I have claimed.

No doubt the majority of my readers are aware of the continual occurrence of the element *stede* or *stead* in place-names belonging to the period of the Anglo-Saxon occupation. In some of the southern counties such names occur by hundreds rather than by scores only. In the days of my boyhood I lived within familiar cognisance of nearly a dozen of them. Here, in North Yorkshire, we have *by* and *thorpe* and *dale*, with a good many *tons*, as the more characteristic endings of our place-names. But that fact is very far from precluding the occurrence of *stede* or *stead* in other cases of archaic usage over and above the present instance of "market-stede." Thus in old writings of two hundred and fifty years ago I have within the last few years met with several instances of both *firestead* and *fotheringstead*, both of them, as to the actual

sense belonging to them, obsolete for generations past; while gatestead, doorstead, frontstead, middenstead, and others like, are still to be commonly heard.

I have mentioned "fotheringstead"[1] as obsolete. Indeed, it is as much so as "market-stede" itself. And yet two hundred and fifty years ago there were not less than fifteen to eighteen fotheringsteads extant in Danby and Glaisdale, with not a few others (the number of which I have no means of estimating) in the adjoining parish of Egton. So completely obsolete were they in Dr. Young's time, both name and thing, that he has described one group of them in a part of the parish of Danby as British camps. The good Doctor was not alone in going a little wild over things and places to which it was possible to affix either of the words "British," "Druidical," or "camp." But it was a little stranger than usual to find these three enclosures, of the most absurdly indefensible character, and placed on a still less defensible site, described as camps of any sort, and more still as British camps. They were used by the farmers of the old days as places in which to fodder their outlying stock, and were sometimes far away out on the moor.

[1] Places where cattle at pasture on the common were wont to be foddered and folded.

THE TOLLBOOTH OF OLD WHITBY AND ITS TRUE CHARACTER

Occupied as we were in the last section with considerations relevant to the site of the old-time Market-place of Whitby, it would be leaving the inquiry imperfect or unfinished if no attention whatever should be directed to the subject of the Old Whitby Tollbooth.

In his *History of Whitby*, p. 588, Dr. Young remarks that "it does not sufficiently appear where the Whitby courts were held prior to the erection of the *tollbooth*"—that is, of the building of his time, and still known under that designation. "But," he continues, "I am strongly disposed to think that for several ages the place of meeting was in Flowergate, in a house called the *Correction-house*. This building was on the north side of that street, and on the west side of Cliff Lane, and had a yard behind it called the *Correction-house garth*, reaching to the water-course or gutter adjoining to the bakehouse in Cliff Lane. These premises were divided and let in 1654, having ceased to be used as a correction-house a few years before; now as the tollbooth or town-hall was built at that very period in the market-place, there is reason to believe that both houses served the same purposes, and that the old was superseded by the new; especially as the lower part of the latter was made the *hoppet* or prison. The tollbooth, as its name imports, was intended among other uses as a place to accommodate the officers who collected toll or custom for the lord of the manor at markets and fairs; and for holding a

court of *piepowder*, for deciding any differences arising at the fairs, so that when the market was removed to the east side of the Esk, the tollbooth or court-house behoved to follow it; but when the markets and fairs were held at the foot of Flowergate, the correction-house was conveniently situated for the purposes now mentioned, and had possibly been used as the tollbooth both before and after the Dissolution."

I must admit that I find myself unable to acquiesce with a good deal of what is herein and thus advanced. Either there is great misconception, or there is an equally great historical inaccuracy, in the statements touching the correction-house. Neither am I able to agree as regards the meaning or import of the name "tollbooth"; and still less so as to the assumed "following" of the tollbooth to the east side of the Esk when the market was "removed" thither.

To deal with the last-named point first.

I am not the least assured that in 1640—which is the date really involved—the tollbooth was actually and veritably on the west side of the Esk. Quite certainly it was not so a century earlier. For in 1540 it was unquestionably in Crossgate, and Crossgate was limited as lying between the end of the street now called Bridge Street and "the end of the wider part of the continuation of the said street just past the end of Grape Lane, or where the thoroughfare begins to widen as you proceed towards St. Michael's Church, or, in other words, to the entrance to Alderswaste Ghaut." This fact is definitively settled by the following entry in Ministers' Accounts (*Whitby Chartulary*, ii. 722): "To 7s. for rent of a cottage in Crossgate and a cellar below the tolleboothe in the same place, viz. 5s. for the cottage, and 2s. for the cellar, let to John Pacok." And the next entry but one stands: "To 12s. rent of a shop below the tolleboothe in the same place, let to George Bushell." There cannot then very well be any question as to the site of the tollbooth in the year 1540 or thereabouts. Of course, however, the question remains as to any removal of the toll-

booth from Crossgate to Flowergate, near the end of Cliff Lane, between the two dates 1540 and 1640—that is to say, if any such question should be raised; a circumstance which has not befallen, as far as I know.

Next, as to what I look upon as "misconception or historical inaccuracy" in the statements touching the correction-house. Dr. Young writes that he is "strongly disposed to think that for several ages the place of meeting" for court-holding purposes was "in the Flowergate correction-house, which, however, ceased to be used as such a few years before 1654." Now, here I would remark that "an age" is often, though loosely, taken to stand for a period of about thirty years. "Several ages," therefore, must needs stand for a very considerable term of years; a century and more, at least. And this of course would carry us back to the days and years forerunning the Dissolution. But the truth unfortunately is that no correction-house, either at the place indicated or anywhere else in Whitby, existed antecedently to the year 1636.

This fact is, I think, sufficiently evident from what follows, extracted from the fourth volume of the *North Riding Records*, p. 55: "Whereas it is considered necessary for the parishes of Whitby, Lyeth, Sneaton, and Hinderwell to have a House of Correction near them, by reason that the trade of fishing doth in those parishes encrease a multytude of poore who in wynter time, when the saide trade faileth, are either driven to begg or wander, or else cast upon the chardges of the severall parishes, which without some mean of correcting them and settinge them to worke, are no way able to releive so great a multytude of poore and idle persons drawne thither from diverse places, who being of stronge and able bodyes doe not only refuse to labour, but comitt diverse outrages and misdemeanours; and for that the House of Correction for the North Riding already erected is soe farr distant that those partes can have small benifitt thereby: it is therefore now

Ordered that a new House of Correction shalbe erected at the charge of the said parishes, any two or more of the Justices residing therein to be authorised to raise a sum of money not exceeding £200, for the cost of the same, with provision for the master of not more than £20 a year; and to take all further order for the same at their own discretion, with reference on all just occasions to the Generall Quarter Sessions."

The date of this Order is 12th July 1636; and the two justices who undertook the matter were Sir John Hotham and Sir Hugh Cholmley, who, at the Helmsley Sessions, held 19th January following, gave an account of "the great paines they had taken about the settinge and ordeininge of the said House." And again, at the Sessions held at Thirsk 18th April next ensuing, a further report of their proceedings in the matter is presented and fully approved by a very full and representative body of justices, "the proceedinges in the matter being conceived by the Court to be reasonable and verie usefull and necessarie for that part of the country."

There is still, however, another Order made at the Sessions which were held at Thirsk on 3rd October of the same year, which enables us to ascertain that the two baronets named had availed themselves of a building already erected, and had fitted it in the requisite manner within three months of the date of the first Order. For while it informs us that £25 had been raised within the four parishes named for the "repairs of the said House of Correction at Whitby, and utensils for the same," it also, by authorising the payment of a year's salary to the master of the said House, due at Michaelmas just past, makes known to us that it had been efficient as such a house ever since 29th September 1636.

There can therefore be no doubt that Dr. Young is mistaken in his persuasion that for several ages before 1650 the correction-house in Flowergate had been available for holding the Whitby Courts, and I think it must be equally apparent

that the house which had been acquired in order to be, and actually adopted as the first House of Correction at Whitby, and for the neighbourhood as well as Whitby itself, in the month of September 1636, had scarcely ceased to be used as such so soon as 1640, or scarcely four years later. And thus I find myself totally unable to acquiesce with the Whitby historian when he states his conclusions not only that "when the markets and fairs were held at the foot of Flowergate, the correction-house was conveniently situated for the purposes mentioned," but that "it had probably been used as the tollbooth both before and after the Dissolution."

But there is another matter as to which also I have said above that I am unable to agree with Dr. Young,—I mean as regards the meaning and import of the term "tollbooth." His words touching thereupon are as follows: "The tollbooth, as its name imports, was intended, among other uses, as a place to accommodate the officers who collected toll or custom for the lord or lady of the manor at markets and fairs, and for holding a court of *piepowder* for deciding any differences arising at the fairs."

Remarking simply as we pass that there was no question of "lady of the manor" at Whitby, the Abbot having been lord of the manor up to the Dissolution, and male Cholmleys subsequently, I have to observe that the tollbooth, as far as "its name imports," had but one use, and that use in no way, not even the slightest, connected with the objects of accommodating officers or holding courts, whether of *piepoudre* or any other. Its one use was that consequent on its being the place appointed for the receipt of the customs or dues which came under the general name of "toll"; all, in short, that is implied by the term *tol* or *thol* in the clause of the Kings' Confirmations which stands "cum soca et saca, et *tol* et tem, et infangentheof," the Latin word used as its equivalent being *theoloneum* or *teloneum*. But apart from this, which of course is sufficiently obvious, the name imports a good deal more than only just

that. A few pages above it was shown that the name "market-stede" imported a good deal; and it is precisely the same with the term or name "tolboothe."

What "tollbooth" came to mean some century or two before Young wrote, and what it meant when the place so called was first instituted at Whitby, are two very different things. But it behoves us to look at the latter, not at the former, if we wish to take the historian's phrase, "as its name imports," as alone, and indeed necessarily it must be taken. In other words, not only the word or term *tol*, but the word or term *booth* or *bothe*, must be dealt with as the word or term *stede* was a little above.

For what is—not only used to be, but still is—a "booth"? I have half a dozen or half a score dictionaries lying or standing within reach of my hand—English, Anglo-Saxon, Old Norse or Icelandic, Danish, Swedish, etc.—and while all unite in harmony as to the meaning of the word, the one that lies handiest, namely, Skeat's *Etymological Dictionary*, explains "Booth" as "any slight building." Indeed, what do we all understand by what we term the "booths" at a fair, the "drinking-booth" or the "dancing-booth" at a cattle-show, or any other place of popular concourse? Going one step still in advance in the inquiry, we find a further sense affixed to the word, namely, that of shop or stall, as in a public market, entirely independent of the shops in the street. But the Icelandic Dictionary gives as illustrative an explanation as, for our purpose, could even be wished. The sense or explanation given is "booth, shop; as *Farmarnabuðir*, merchants' booths. Specially used of the temporary abodes in the Icelandic Parliament, where, as the meetings only lasted two weeks in a year, the booths remained empty the rest of the year." And then, after citing a large number of booths answering this description, the compiler goes on to specify jugglers' booths, ale-booths, souters' booths, sword-cutlers' booths, beggars' booths, and so forth. But perhaps I can help the half-developed idea of "booth"

already in our minds better by citing a sentence or two from one of Scott's novels (*Peveril of the Peak*) than in any other way. He is speaking of a riotous assault and scuffle supposed to have happened in Fleet Street, not far from Charing Cross, in Charles the Second's time, "near the booth of a cutler, from amongst whose wares, as they stood exposed to the public," two of the party on whom the onset was made "snatched swords to defend themselves with." The third of the party was a dwarf little more than a yard in stature. This manikin had been knocked down, and was in danger of being trampled to death, when the tallest and strongest of his companions caught him up and "put him out of danger by suddenly placing him on the bulkhead, that is to say, the flat wooden roof of the cutler's projecting booth." And it is not quite idle to remark that when "shops" proper were scarcely to be numbered by the half dozen, booths of this description were no doubt plenty enough.

The two ideas which so far go to make up our conception of the mediæval booth are—save only that he fails to recognise the important share the Icelandic, Anglo-Saxon, and Germanic usage had in the matter—very well brought together by Bardsley, when he writes: "The Celtic booth, a frail tenement of boughs, whose temporary character is preserved in the Bible history of the Israelitish wanderings, has given birth to our 'Booths' and 'Boothmans' [he is speaking of the personal names only], once written *de la Bothe* and *Botheman*. They may possibly have kept the stall at the fair or market."

Perhaps as lively a presentment as can be obtained of what the ancient *tolbothe* really was is that which is derivable from Wycliffe's translation of the Scriptures (dating in 1389), wherein the calling of Matthew the publican is thus told: "And when Jesus passide thennis, he seigh a man sittynge in a tolbothe, Matheu by name," the Anglo-Saxon Gospel, side by side with the other, giving it, "He geseah aenne man sittende aet toll-sceamule," or "sitting at the toll-bench," not

even a slight or temporary booth being so much as hinted at there. But if such is really the conception connected with the mediæval, and much more the primitive, *tolbothe*, it needs but little to convince us that it could not have been naturally the place for holding courts or deciding differences.

What the tollbooth and its uses came to be in after days is another thing; but originally it was otherwise. Mr. Gomme would tell us that the courts were held in the open air, as very likely in their earliest institution they were. But not so in the times we are concerned with. There were the proper or recognised places for holding the courts at Hackness, South Fyling, Whitby Lathes, Eskdale, Stakesby, which, as is seen from the Rolls of Accounts printed in the *Whitby Chartulary*, were actually and regularly held in the places named; and it would have been strange indeed had there been no such place at Whitby itself, with its (practically) three courts. Curiously enough Dr. Young, with all these considerations suggesting themselves to him, and indeed with much more besides, and some of it still more suggestive, had no eyes to discern things as they were. Thus, meeting with the entry "de Curia ibidem," that is to say in Hackness, in the "compotus" of 1396, he translates *curia*, the ordinary Latin word for "court," by "hall," a meaning which does not belong to it; the very blunder he makes actually suggesting the place where the Court was held. Touching the Priory of Durham, the editor of a Surtees Society volume published two or three years ago, having for its subject-matter the Court Rolls of the said Priory, says, "The Halmote Court would, no doubt, where the Prior had a manor-house (in any given place among the Priory estates), be held in the hall," whence indeed the name "halmote."[1] For "Prior" in the above

[1] Touching this word "halmote" we find Professor Maitland (*Select Pleas in Manorial Courts*, p. lxxvi.) writing: "In the Leges Henrici as printed we find a varying spelling, *halimoto*, *hallemotis*. Have two different words been fused? On the whole, it would be convenient if philology would suffer us to believe that we have to do with a 'hallmoot.' In Domesday

sentence we have but, in the case of Whitby, to substitute the title "Abbot," and for "halmote" read the "curia" of these ancient Account Rolls, and the sentence applies to Whitby with exactly the same amount of historical accuracy and truth as it does in the case of Durham, and indeed of any or every place with the same privileges and under the same conditions. Whatever and wherever the Abbot's manor-house of and at Whitby was, there (and almost of inevitable necessity in no other place) were the courts, of whatsoever character, connected with the vill of Whitby, originally held; and that there was such a place at Whitby is as certain as that there was a tolbothe, a parochial cemetery, or a literal market-stede.

It might probably be safe to let the matter rest upon the inevitable inference, but there is no occasion to do so, as documentary evidence is available. For there is a man who is sometimes called Willelmus de Aula de Whiteby, sometimes Willelmus de la Sale de Whitby, and once at least, and in a public document (as recently dead in the year 1328), as William atte Hall de Whiteby, and who is one of the witnesses to a variety of deeds printed in the *Chartulary* (very frequently in company with the Abbot's Seneschal), who, by his very description, sets the question beyond the limits of doubt. Whatever and wherever "the Aula," "la Sale," "the Hall" de Whitby was, that was the place under the old conditions wherein the Abbot's courts were held.

Reverting to the implied statement on the preceding page that although "tolbothe" originally meant custom-house or "receipt of custom," it came to have another meaning in later days, it must be remarked that while in Scotland the word came to mean "a prison or jail" (Jamieson *sub voce*), and also a place of meeting for a debating body (the

the *halla, haula, aula* seems the very essence, or at least the outward and visible sign, of the *manerium*, so that a *manerium sine haula* is a noteworthy thing. When we read 'Hoc manerium habet suum placitum in aula domini sui' we are greatly tempted to believe in the existence of a hall moot."

Scottish Parliament, for instance), or for the administration of justice; in many places, especially in the north of England, it stood as an equivalent to such words as "moot-hall," "tholsel or tolsetl," "town-hall," "common-hall," and even "gildhall." It is mentioned in a note (vol. i. 81) by Gross as the usual designation in Alnwick, Berwick, Durham, Lancaster, Preston, Stockton, Morpeth, Bradford, and our own Whitby. Only in this last instance the reference is simply to the *Whitby Chartulary*, so that it adds nothing in the way of information to what we already possess, which simply is that at Whitby, in the years which saw or succeeded the Dissolution of the Monastery, there was a building situate in Crossgate known by the name Tolleboothe. It does not assure us that the building so called was put to any other use or purpose than that of a custom-house.

That it did so may be looked upon as possible, or even probable. That its successor, built a hundred years later, did, is, I should say, absolutely certain. But then we have to remember what an utter change, indeed what a complete *bouleversement*, had taken place in the town, consequent on the Dissolution and the inevitable reconstruction of the entire theory of town government, rather than only the government and the executive through the instrumentality of which it had to be carried out. When the town ceased to be governed by the Abbot and his officers, and had to begin, in such fashion and degree as became, or was made, possible for it, to govern itself, then a town-hall, a "tolbooth" in that sense, became absolutely necessary; and then, no doubt, the state of things contemplated by Dr. Young became not only actual, but was rendered so by the force of circumstances. Whitby, or any other town under the like circumstances, could not have existed without its tollbooth in the later sense.

That Whitby before the Dissolution required its custom-house, its tollbooth in that sense, there is no need to take up any space in the way of demonstrating. And it is equally

certain that it would be situated in that place which would be the most convenient, and therefore the most suitable for the purposes it was intended to fulfil. And the simple fact that Crossgate alone, limited as it was in regard to space, absolutely as well as comparatively, furnished sites for more than one-fourth of all the habitations in the town, besides being on the very verge of the harbour, is quite enough to assure the inquirer that there was no other possible site for the custom-house of the sixteenth and nearly preceding centuries which could be preferable to it in any noteworthy particular.

THE RELATIONS BETWEEN THE ABBOT OF WHITBY AND SIR ALEXANDER DE PERCY, AND THE CONCLUSIONS THEREWITH CONNECTED

In dealing with the question or subject of the Horngarth it would, under any circumstance, have been very difficult to avoid reference to the manor and lands of Sneaton among the other manors and lands in the Whitby district which were held of the Abbey subject (among other imposts or exactions) to the service known by that name. Under the special circumstances of the case, however, it became entirely impossible to avoid such reference, and I think this impossibility will become more and more apparent as we proceed.

At p. 45 *supra* I advert to a certain document entitled "Memorabilia inter Abbatem de Whitby et Alexandrum de Sneton" (printed in the *Whitby Chartulary*), and remark that, among other things, it makes it apparent that certain of Alexander de Percy's Sneaton homagers, "homines," or "ministri" had so acted in respect of the wood ostensibly required for the due making of the Sneaton portion of the Horngarth, as to lay themselves open to the charge of peculation. I also note that there were other matters of debate and strife, involving legal proceedings on de Percy's part, between the said Alexander and the then Abbot.

A paragraph or two further, and I express myself thus: "It should be observed here, and by no means in only an incidental manner, that relations between the Abbot and Sir

Alexander de Percy had been very seriously strained, this matter of the Horngarth roguery forming but one of the points at issue between them"; and I give certain illustrative statements, and then I continue: "The fact was that Sir Alexander had been a ward of the Abbot's for a period of several years. On the termination of this period of wardship or guardianship, de Percy accused the Abbot of mismanaging his estates during his minority; and, indeed, of something worse still—of what, in fact, amounted to malversation and peculation."

Now this whole transaction, involving the relations of guardian and ward between the Abbot of Whitby and the young owner of the Sneaton manor and lordship, has been so much misconceived, misunderstood, and misrepresented that it becomes fairly a bit of the Old Whitby story which requires something in the way of critical investigation, and at least an attempt to clear away the fallacies and set forth the undisguised truth. One Whitby historian, for instance, makes the following statement: "Sir William de Percy it was who, about the year 1300, purchased the Sneton estate for his son Alexander, of the Abbot and Convent of Whitby. Our Monastery was then burdened with a very considerable debt, part of which was to be immediately discharged, and this laid the monks under the necessity of raising money. Now the great obligations they lay under to the Percy family, who were originally their first benefactors, induced them to convey that estate over to Sir William de Percy on terms which would hardly have been offered to any other family; on which Sir Alexander, his eldest son, came to settle at Sneton, and seems to have been a particular and intimate acquaintance of Thomas, the Lord Abbot of Whitby. We own that the charter for this purchase is not now to be met with among our records; . . . neither can we be positive as to the precise time of purchasing this estate; yet thus purchased it most certainly was. . . . Sir Alexander and his tenants,

after having been some considerable time at Sneton, began to look with an evil eye on the authority claimed by these neighbours (the Convent, that is) of theirs; they supposed themselves entitled to some particular privileges, and began to take liberties which the Abbot and Convent of Whitby did not think proper to indulge them in. This by degrees dissolved their friendship and produced continual quarrels, which seemed to portend fatal consequences; but, however, at last all differences, divisions, and animosities were happily compromised in the year 1320, and I look upon the Memorabilia between the Abbot of Whitby and Sir Alexander de Percy of Sneton, which were produced by this compromise, to be so particularly curious that," etc. etc.

Now it will hardly be believed that these several statements about the purchase, the burden of debt, the necessity for discharging a part of the said debt immediately, the consequent necessity for raising money, the terms so favourable to the purchaser, the identity of the purchaser, his object in purchasing, the settlement at Sneaton, the particular and intimate acquaintance and friendship between the Abbot and de Percy, are all the creations of the writer's imagination, and as much figments as the alleged incidents in an extravagant fairy tale. There was no such purchase, for the sufficient reason that the Sneaton lordship and appurtenances did not belong to the Abbey. There was no such debt, as far as any one knows, or even has reason for suspecting. There was no such person as the Sir William de Percy raised up for the occasion by the author in question. Sir Alexander de Percy was not the eldest son of the Sir William who was his father, and his family seat was at Ormesby, and not at Sneaton. It is not even known whether, when, at the age of fourteen, on occasion of his father's death, he became a ward of the Abbot's, he had to reside at the Abbey, at Sneaton, or in his late father's manor-house at Ormesby; and the particular and intimate acquaintance and friendship part of the fanciful

story depends only upon the possibility that he lived at the Abbey.

The elements of truth involved in these so-called historical statements are that the lordship of Sneaton did belong to Sir Alexander's father, Sir William de Percy *de Kildale*, did descend to the son on the father's death, and that there were quarrels and much animosity between the young Lord of Sneaton and an Abbot of Whitby. But these elements of fact are so thickly overlaid with misconception and fiction, that it needs some trouble to disentangle the truth.

The simplest way of procedure is to show how Sir Alexander de Percy's father, Sir William of Kildale, acquired his interest in the Sneaton property. But in order to do this it becomes necessary to begin at the beginning, and expose the fallacy under which the writer talks of the "great obligations the Convent lay under to the Percy family," the "terms which would hardly have been offered to any other family," and the like.

The historian was totally ignorant of the fact that the family of de Percy *de Kildale* was, from the very first, totally distinct from that of the de Percy the Founder. Certainly the two families possess the same patronymic in common; and besides there is evidently an heraldic connection. Of course it is to be supposed that there was a blood relationship, but there is no extant evidence to show that it was so; and at least this much is certain, that the Kildale Percies had not the same feudal relationship that the Whitby Percies had. They held under Brus, and not under Hugh of Chester, as the Whitby Percies originally did. Ernald de Percy was a witness to the Foundation Charter of Whitby Abbey, which dates before 1096. With his two sons he was a witness to the convention between the Houses of Guisborough and Whitby, dating before 1135; and we remark as we pass that the heirs of his son Robert were wards of Adam de Brus II. in the year 1160.

Ignorant as he was,—I do not like to say unobservant of, or disposed to ignore this great cardinal fact of the original distinctness of the two families of Percy *de Kildale* and the Founder's stem,—there is no wonder that the writer fell into the same set of errors as almost every other compiler of the pedigree of the earlier Percies had done. We have one instance of such a pedigree, with quite the full amount of gratuitous anomalies and absurdities in it, in the one which Ord, the Cleveland historian, prints on p. 426 of his *History of Cleveland;* and copying from something of the same character (obtained probably from the apocryphal pedigrees given by Dodsworth and in the Harleian MSS.), our Whitby author writes: "William, son of Alan de Percy, had a daughter called Agnes. . . . This Agnes married Josceline de Louvaine (brother to Adeliza, who was Queen to King Henry I.), by whom she had a son called Henry, who, I apprehend, lived at Batersby near Kildale. He married Isabella de Bruce, by whom he left issue a son called William, who is frequently stiled Lord of Kildale. . . . To him descended almost all the vast possessions of the Percy family, which were inherited after his death by his sons Henry, Walter, William, and Ingeram. Among these, Walter seems to have been left in possession of Kildale and the several manors adjoining thereto; and this Walter was succeeded by his son William," the alleged purchaser of the Sneaton estate.

Now, to expose these fallacies let us glance at the perfectly authentic and fully ascertained earlier descents of the Kildale family. The first of them of whom we have any actual knowledge, a contemporary of the founder of Whitby Abbey and his son and heir Alan, named Ernald (sometimes written Ernulf) de Percy, was lord of Ormesby before the foundation of Guisborough Priory—that is, before 1119; for he gave the advowson of that church to the Priory on its foundation. He had two sons, Ernald and Robert; but the family was, for some reason unknown (probably the death of Ernald without

issue), carried on through the younger son Robert. This Robert died between 1165 and 1170, and was succeeded by his son William, who was a minor at his father's death, and consequently became (as already noticed) a ward of his feudal lord, Adam de Brus of Skelton. William's son and successor was Walter, who, in his turn, had a son and successor named William, who is styled "William de Percy *de Kildale*" in the Yorkshire Pipe Roll in 1241-42. He died, a very old man and with impaired intellect, in 1283, seized of lands and manors in Cleveland only (Kildale and Ormesby both of course included) to the extent of five knights' fees, besides other manors and lands elsewhere. He was succeeded in his estates and manors, and his territorial title of de Percy de Kildale, by his son Arnold, who appears to have been a still more important as well as a wealthier man than his father; and most certainly he was able to act a most liberal part by his younger brother William, whom he permitted to hold Ormesby by charter from his father, and Kildale also, by the service of rendering all forinsec services to himself (Arnold) after his father's death. And thus he also was styled William de Percy de Kildale. This William de Percy de Kildale, as he was by grace of his elder brother Arnold, is the gentleman who, according to the Whitby historian quoted from, "purchased the Sneton estate; and purchased it, moreover, for his son Alexander."

That he, not by his own right, or by himself alone, but jointly with, and in right of, his wife, Johanna by name, had territorial rights in Sneaton, is a fact; and the real question is, How did he acquire them, or become possessed of them? The first fact that militates against the historian's explanatory allegation that it was by purchase from the Whitby Convent, is that Sneaton was not, as noted above, the Convent's to sell. They had parted with all such rights many generations before, and even as early as 1145, or thereabouts, the patronage of the Chapel of Sneaton had been transferred by the Abbot and

Convent to the head of the family which held the lordship of Sneaton in possession, namely, the family of Arundel. From John Arundel, the said head of the family, the lordship, etc., passed to his daughter Johanna. From her it descended to her son by her first husband, one of the Neville family; from him to his son, who died without offspring, so that the inheritance devolved upon his sister Johanna, who was married first to a certain William de Upsal, by whom she had no family, and second to William de Percy de Kildale, who thus, in right of his wife Johanna, became possessed of Sneaton.

This is all incontestably proved by a record in the Yorkshire Assize Rolls, and it effectually disposes of the whole train of misconceptions and fictions involved in the Whitby writer's statements.

But this is not all; for we have still to notice the actual descents, corresponding in point of time with those of the Kildale Percies, of the main or great family named de Percy.

The de Percy of Domesday, who was the Founder of the Abbey, was the father of Alan de Percy, spoken of in early records as Alan the Great. The said Alan died (having succeeded his father in 1096) between the years 1133 and 1135. He was succeeded in his possessions by his son William, who founded Sallay Abbey in 1147, and was still living when his son, the last male descendant of the Founder—"the Percy of Domesday," as Freeman calls him—died, leaving his three sisters co-heiresses of the Percy lands and lordships. The second of these sisters married Josceline of Louvaine, as has been already mentioned, and had by him a family of divers sons and two daughters. Of the sons, Henry was the eldest, and besides the dower brought him by his wife, Isabel de Brus, he had the heir's share—that is, the "lion's share"—of his mother's magnificent estates, succeeding in addition to his father's hereditaments, inclusive of the "noble honour of Petworth," as Dugdale phrases it. This is the baron—one of

the greatest of his day—whom, as we may as well notice in passing, our Whitby historian sends "to live at Battersby near Kildale," marrying his daughter to some obscure person called Grundy!!

The actual history of the family, however, goes on as follows: Henry de Percy, last named, is succeeded by his son William. William's son by his second wife, named Henry, died in 1272, leaving a numerous family,—no less than seven sons indeed. The eldest of these, the heir of course, was another William de Percy, who died without issue, and was succeeded by his brother Henry, another brother, John, having also died childless.

This Henry de Percy it was who purchased the barony of Alnwick in 1309. He became Governor of Scarborough Castle a couple of years later, and died in 1314-15. Thus, Alexander de Percy de Ormesby, lord also of Sneaton, who came of age in 1301-2, was a contemporary of this first baron of Alnwick, as he actually was; outliving him, however, by nearly thirty years, inasmuch as there is a charter by Alexander, executed at Ormesby and dated in 1342, still extant.

There is still a matter remaining to be touched upon in connection with "the particular and intimate acquaintance and friendship" alleged by our writer to have once subsisted between Alexander de Percy and Abbot Thomas, and which I have said might depend upon the possible residence of the former at the Convent during his minority. It is as well to remember the dates in this conjunction. Young Alexander de Percy's father died in 1295, the boy being then thirteen years of age. He would therefore attain his majority in 1302. But the Whitby writer's Abbot Thomas did not become Abbot until 1304, or two years later. Abbot William (de Kirkham) had been the reigning Abbot during the whole period of the lad's minority. It is true that the amicable arrangement between the Abbot and Sir Alexander was brought about very soon after Thomas's accession. The deed recording it is dated

18th January 1307; although a memorandum (which finds place next after the copy of the deed) puts the date some two years earlier, or in 1305. From the date that is mentioned at the close of the third "articulus" in the "Memorabilia" I am disposed to think that the earlier date is the true one.

But still the most curious and, as I think, the most interesting part of the whole matter has been so far barely mentioned. I am well aware that the view I am disposed to take of it is one which will not commend itself to some. What I refer to is not so much the fact—for there is no question that Alexander de Percy *was* a ward of the Abbot of Whitby—of the wardship, as the way in which such wardship came about. It is quite true that Alexander de Percy is mentioned as doing homage and fealty ("fecit homagium et fidelitatem") to the Abbot in the year 1327, and that Sir Robert Conyers of Hornby, who married Sir Alexander's daughter, is described as doing the same for the same manor in 1350, besides paying 50s. "pro relevio" on succeeding in right of his wife to the said manor, which is represented as constituting half a knight's fee. But it is remarkable that up to the times thus indicated there has not been the slightest hint that Sneaton was held of the Convent "per servitium militare," which is implied in the two entries just referred to, and positively asserted in the next subsequent as well as the next preceding entries.

Now the only way in which these circumstances seem to admit of easy or satisfactory explanation is that which is suggested in the following sentences from Digby's *Law of Real Property:* "Where land is held of a mesne lord by knight service, the actual military service is due not to the immediate lord, but to the king"; in other words, I suppose, is a "forinsec service." A little further on he writes: "No services of whatever character rendered to the lord in his private capacity are sufficient, according to the better opinion, to give the tenure the character by knight service, and consequently to cause the incidents of wardship and marriage to attach"; and

immediately after, referring to the confusion arising between certain tenures, he continues: "The distinguishing characteristic was evidently the one of most practical importance,—whether the lord was or was not entitled to wardship and marriage."

This seems to be precisely the Sneaton case. The Abbot, as regards the manor of Sneaton, had this right, and he exercised it in the case, and during the minority, of Alexander de Percy. But it was the "servitium" of Horngarth which conveyed to him this right, which "servitium" is consequently classed as a forinsec service (see above, p. 48), and then, by way of accommodating old and more or less obsolete conditions with modern doctrine and legal notions, the service comes to be regarded as a knight service, and the lordship as one the tenure of which exacted the rendering of homage and fealty on the part of all successive tenants.

That I am not taking an untenable or indefensible view of the matter will, I think, become apparent if my readers take into consideration the terms of the Concord between Sir Alexander and the Abbot as recorded in the Cyrograph already adverted to as probably misdated by two years. For in it we have, in the first place, a specification of the tenure, or, at the least, a plain statement of the terms on which the lordship was held of the Abbey as from the days of old; and in the second we shall be obliged to notice the terms in which the settlement of pending disputes is conceived. I translate the passage as literally as possible as follows:[1] "The said

[1] "Idem Alexander pro se et hæredibus suis per præsens scriptum recognoscit tenere manerium prædictum de eisdem Abbate et Conventu per eadem servitia per quæ antecessores sui illud tenuerunt; viz. per unam marcam de prædicto manerio et per dimidiam marcam pro quodam prato quod vocatur le Newenge per annum, faciendo sectam ad Curiam ipsorum Abbatis et Conventus de Whiteby apud Whiteby de tribus septimanis in tres septimanas, et etiam per servitium inveniendi triginta homines metentes super terram prædictorum Abbatis et Conventus in campo de Lairepelle, et unum hominem ad custodiendum pannos eorundem per unum diem in autumpno quolibet anno, ad repastum ipsorum Abbatis

Alexander for himself and his heirs acknowledges that he holds the said manor of the said Abbot and Convent by the self-same services by which his ancestors held it—that is to say, by the payment of one mark per annum out of the said manor, and of half a mark by the year for a certain meadow called the New Ing; by doing suit to the Court of the Abbot and Convent at Whitby from three weeks to three weeks; and likewise by the service of furnishing thirty mowers to mow on the Convent land in the common-field at Larpool, with another to look after their garments, one day in the autumn of each year; one meal in the day to be supplied by the Abbot, due warning having been given him the evening before, at the manor aforesaid; and by performing the service called Horngarth like as his ancestors were bound and accustomed to perform it."

The character of the services set forth is as plain as the language in which they are specified, and it is as obvious as anything can possibly be that in the Horngarth, and the Horngarth only, in what it was, and what depended upon it, consisted the Abbot's claim to wardship and marriage, assuming such a claim made and established as valid by him. It was the forinsec service "quod tribuit wardam et maritagium cum acciderit."

But we have still to note the language employed in alleging the settlement of existing plaints. Two are particularly specified, namely, the seizure of certain of the Abbot's working cattle by de Percy's men, and the "homagium" the Abbot and Convent were seeking to impose upon him. The words are, "homagium quod prædicti Abbas et Conventus de eo *exigent.*" The exaction is prospective or future, not past or present, like the forcible seizure of draught animals; and, for

et Conventus semel in die, cum idem Abbas vespere præcedente ad prædictum manerium debito modo fuerit præmunitus, et faciendo servitium quod vocatur Hornegarthe prout antecessores sui facere debuerunt et consueverunt."

myself, I cannot but connect it with the fact that Sir Alexander actually did, so short time subsequently, render homage and fealty to the Abbot.

And, granted that connection, it will be difficult to exclude the connection indicated above as more than possible.

THE CONDITIONS UNDER WHICH THE TENANTS OF THE ABBEY IN THE OUT-TOWNSHIPS HELD THEIR LANDS

THERE is a certain document printed early in the second volume of the *Whitby Chartulary*, of which it may be said not only that it was unknown to both Charlton and Young, but that it bears an intimate relation to more than one of the Old Whitby topics dealt with in this book, and the considerations suggested by their discussion. The document I refer to is headed "Consuetudines Cotariorum de Hakenes," or "The Customary Services and Dues incumbent on the Hackness Cottars"—services and dues, that is, which they were under obligation to render to the Abbot and Convent of Whitby as the lords under whom they held.

No small part, however, of the interest and the value alike of this writing depends upon the fact that the heading just quoted and translated is altogether fallacious and misleading. Certainly the Consuetudines of the Hackness cottars are specified, but in barely eight lines out of a total of close upon ninety. Certain other cottars, those of Newholm (apparently) and those of Middlesborough positively, are also mentioned, and occupy a space of barely nine lines. All the remainder is taken up with an account of the customary services and dues, for the due rendering of which the *Bondi* of Silfhow (the modern Silpho), Suthfeld (Suffield), Dales (Harwooddale), Stoup (Stoup Brow), Suth Filing, Newholm, Slectes (Sleights), Midel

burg (Middlesborough), and Steynsekir (Stainsacre) are responsible.

But this is only another way of saying that the document referred to gives us a great deal of information touching a large number of persons holding lands and tenements of the Abbey of Whitby, independently of, and in addition to, those specially mentioned in the heading or title prefixed to it. In point of fact, over and above the *cotarii* of Hackness and Middlesborough (just now specified), we find at the least 150 tenants of the Convent's bearing quite another designation—that of *bondus*, namely—catalogued in connection with the places named just above, with detailed accounts of services, dues, and money payments they were bound to render to the Convent in the way of what we should nowadays call rent for the lands they severally held. Besides this also, it is to be observed that the said services, dues, and payments varied in different places; so that, on the whole, we have a singularly instructive and interesting amount of information as to the condition and circumstances in and under which the agricultural tenants of the Abbey were spending their lives at the date of the writing under notice.

But it has to be remarked at the outset that the date is uncertain. The writing itself is not only without date, but it is but the copy[1] of another, and necessarily an older one. But there is absolutely nothing by which to fix the precise date of the copy itself, and, it need hardly be said, still less the date of the original. The copy is found on folios 8 and 9 of the *Museum Chartulary* volume.

There are, however, evident tokens of very considerable antiquity involved in its very substance and form, and I do not think it is too much to say that it is very difficult to find

[1] Quite possibly it may not be a very exact copy. There are evidences of omission in it, and several matters seem to be more or less muddled or confused. But the main facts and statements may, I think, be implicitly depended on.

reason for assuming that it belongs to a period later than the earlier part of the thirteenth century. It may easily belong to a much earlier period. Thus, some of the services specified in it are specified under names that were distinctly obsolete—to judge by co-ordinate documents—in the last five-and-twenty or thirty years of the century named, while some of the services specially named are of a remarkably archaic character. I shall have to advert to the points here raised further on, and, consequently, do not dwell upon them here with the attention they deserve.

What first calls for our regard is the nature of the terms employed in specifying the two classes of agricultural dependents distinctly named. These are, as already incidentally mentioned, "Cotarius" and "Bondus."

It has until lately been the custom to assume that the latter term should, as a matter of course, be Englished by the word "bondman"; and further, and as unconsideringly, it has again been assumed that the ordinary meaning of "bondman,"—of one, that is, who is personally unfree,—gives the sense in which the term *bondus* is to be understood.

This mistake, for there can be no doubt that it is a mistake, originates in overlooking the fact that the word *bond* or *band* may, and does, bear another meaning besides that which is suggested by the customary antithesis of the terms "bond" and "free." This other meaning is well and suggestively put before his readers by Professor Skeat in his account of the word "husband" and its derivation. In the older phases of our tongue, or what is called Middle English, the word was written *husbond*, *husebond*, and its immediate connection is with the Icelandic word *húsbóndi*, the master or goodman of the house, the inhabiting head of it; from whence comes, of course, our common term "husbandman," more anciently *husbond-man*, or even *housbonde-man*; in which words the *bond* has not even the remotest or slightest connection with the English words *bond*, *band*, *bind*. Its absolute connection is with the Icelandic,

one might correctly say the Old Danish, *bóndi*, which implies more than only the sense of occupying tiller of the land.

But there is something more to be remarked about this term than merely its philological connection and signification, and that may best be presented in Vinogradoff's own words: "Another Saxon word," he says, "*gebûr*, has left its trace in the *burus* and *buriman* of Norman records. The word does not occur very often, and seems to have been applied in two different ways,—to the chief villains of the township in some places, and to the smaller tenantry, apparently in confusion with the Norman *bordarius*, in some other. The very possibility of such a confusion shows that it was going out of common use. On the other hand, the Danish equivalent *bondus* is widely spread. It is to be found constantly in the Danish counties. The original meaning is that of cultivator or 'husband,'—the same, in fact, as that of *gebûr* and *boor*. Feudal records give curious testimony of the way in which the word slid down into the 'bondage' of the present day. We see it wavering, as it were, sometimes exchanging with *servus* and *villanus*, and sometimes opposed to them."

We shall do well to bear in mind not only that Yorkshire, at least great part of Yorkshire, is conspicuously the most Danish of the so well styled "Danish Counties," but that Whitby and its vicinity are essentially as Danish as, if not more Danish than, any other part of Danish Yorkshire. The mere fact of the Whitby Thingwala is by itself enough to emphasise this statement. And with the exception of the *cotarii*, whether they were more or fewer, all the other agricultural dependents or "tenentes" of the Abbey in all those half-score of *villæ* or townships enumerated above were *bondi*. No such term as *villanus*, *nativus* or *servus*, or any other more or less nearly equivalent to either, is so much as mentioned or intimated.

Now let us look at the character or quality of the tenements held by the *bondi* on the one side, and the nature and

amount of what they have to render or yield or pay in return, on the other. The *bondi* of Newham (Newholm), thirty-five in number, hold two bovates each; so do the *bondi* of Stainsacre, though their number is not specified, but it certainly could not be a less number than that at Newham. The *bondi* of Silpho, Suffield, Stoup, South Fyling, Middlesborough, etc., hold one bovate each; while the extent held by the *bondi* of Sleights and Stainsacre is not specifically stated, although perhaps there may be ground for a presumption that the *bondi* of the place last named hold two bovates each.

But it is the character and quality of the returns they make in consideration of the lands they hold which most forcibly claim our regard. Each one of them pays 1s. per bovate, without any exception, but beyond that, the services they are called upon to render, to whatever extent they may vary according as the places they live in vary, are all of the same general nature. They all have to grind their corn at the Convent mill, paying as multure one-thirteenth part of the quantity ground. Each has to render two fowls and a score of eggs, the one exception being the *bondi* of Stoup, who have to give four fowls and a score and half of eggs at Easter. One of these fowls, due at Christmas, is a *gallina de bosco* or wood-hen,[1] for the collection of which the foresters

[1] In vol. xii. of the *Yorkshire Archæological Association's Record Series* is an extent of the manors held by the late Baldwin Wake. At p. 248 we learn that in the manor of Kirkby Moorside there are certain tenants holding tenements "at the will of the lord," who pay for each bovate of land held by them 6s. 8d. a year, two strikes of nuts, and a fowl at Christmas, called *le Wodehen;* and that "the nuts and fowls are paid in respect of their messuage, and not in respect of the bovate of land." Again, in Bransdale, a dependency of the manor of Kirkby Moorside, there are sundry *bondi*, who besides specified works to be rendered to the lord, have to give "one fowl at Christmas, which fowls are called *Wodehennes.*" At pp. 288-290 Vinogradoff gives a variety of instances of payments in kind—"the most archaic form of arranging the relations between a lord and his subjects." Poultry, he says, "is brought almost everywhere, but these prestations are very different in their origin. The most common reason for giving capons is the necessity for getting the warranty of the

are responsible. By far the greatest number of them yield "tol" and "tac" and "mercet," which means, as I believe I am right in stating, that they are liable to the impost called at a somewhat later date "tallage," and which, in fact, was arbitrary on the lord's part as to amount, or "ad voluntatem domini," and leviable once a year only. The "tac," there can be no doubt from the information afforded by some of the Account Rolls yet extant, is the same as the "gersome" or "gressume" (*gersuma*) which was paid on entering on the tenancy, and was equal in amount, or nearly so, to the rent of a year; while the "mercet" or "merchet" was the fine or due payable to the lord on occasion of the marriage of a tenant's daughter.

Besides all this, we find in almost every case that the tenant is bound to give four days' ploughing, four days' harrowing, four days' hoeing or weeding, and to find eight men to do a day's reaping in harvest-time, or sixteen, if he holds two bovates and not only one. In the majority of instances the construction and maintenance of the milldam and necessary repairs of the mill fall upon the *bondi*, as also does the fetching or leading of the necessary millstones. Certain amounts of carriage[1]—what is generally in this country called

lord; in this sense the receipt and payment of the rent constitute an acknowledgment on the part of the lord that he is bound to protect his men, and on the part of the peasant that he is the lord's villain. 'Woodhens' are given for licence to take a load of wood in a forest," and illustrative instances are quoted. These *gallinæ de bosco*, then, payable at Christmas, are thus explained, and it is to be noted that the foresters, "per visum et liberationem" of whom the load or *summa* of wood would have to be obtained, are the parties to whom the woodhens are payable. The connection of the Christmas payment of the woodhen is noticeable.

[1] It is worth a passing remark that copious illustrations of the survival of these services, or rather of the money payments made in lieu of them, are to be met with in "Ministers' Accounts." Thus repeated mention of "Sicleboones" is made, that is, of the *precariæ* due in time of harvest. Particularly are the memoranda dealing with the matter of carriage, specially of corn, wood, turves, and so forth, numerous enough in the pages dealing with some or other of the out-townships concerned. A full comparison

"leading"—also have to be done, although this is hardly incumbent on all the men; some of it to be done by aid of pack or sumpter horses, and the rest in the ordinary country carts or wains. Aid has to be given too in reaping, mowing, the making, leading, and stacking of hay and corn, as well as in the leading of certain loads of wood and turf for burning.

It must not be understood, however, that in any case all these duties and services fell on each, or indeed on any one individual *bondus*. They are simply mentioned for the purpose of showing what manner of returns these "husbandmen" had to make in the way of what we should call rent for the holdings, varying from 12 or 15 acres up to 30, 35, or possibly in some cases 40, held by them. Not a few of them, while incumbent in one place, were not so much as heard of in another. Thus, for instance, in two places the *bondus* had to furnish a "præbenda" of nuts, the quantity understood by the term "præbenda" not being specified; although we know that in Farndale and Bransdale, in the year 1281, the *præbenda* amounted to two bushels.

Again, in two places a custom or due incumbent on the *bondus* is expressed by the phrase "ibit ad stod," or "curret ad stod," the obligation implied by which was that of attendance when the droves of practically wild mares with their young were driven into the "falda" or (as it would be called in some places nowadays) corral, and colts and fillies "rising three" captured and taken off to be "handled." Naturally this service could only be incumbent in certain places, and those places only few and far between, because such "stod" or "stud" establishments could not be numerous.

But there is one class of service or custom (*consuetudo*) which becomes incumbent in some form or other in divers places, which ought not to be passed over without special

of the results of this kind obtainable from the document referred to, with the details of the several services due in the divers townships named in these Consuetudines, would by no means be lacking in interest.

notice, and that is the sort of work which is travestied or burlesqued rather than represented by the so-called "Penny Hedge" observance; I mean the making of fences or hedges, and making them, moreover, by aid of stakes and wattle-work. Thus the thirty-five *bondi* of Newholm and the undetermined number of those at Stainsacre were severally under the obligation to "make the Horngarth"; although at Sneaton and, in part at least, if not entirely, at Dunsley, that obligation lay on the lord of the fee. At Hackness the *bondi* had to make the sheepfold and the walls of the Abbot's grange "de virgis"—that is, of pliable rods or twigs, wattle-work, in short—which eventually was covered over with tempered clay, when the whole became what is still called in some places in England "wattle-and-daub," and in others "post-and-pan." The Abbot, however, was to provide the material, whether for this fencing or walling work or for more substantial buildings, such as the mill, and their repairs.

And when we begin to note the holdings of the *cotarii*, and the customs and dues they had to render in requital, how little they differ, except it be in amount, from what prevails among the *bondi!* The money payment the *cotarius* had to make for his "cotaria" or holding, of course with the cot or hut-like dwelling on it, varied with the place. At Hackness it was 6d., in another place 8d., and at Middlesborough 1s. At the place last named his *cotaria* embraced 1½ acre. In other places the extent is not specified, but I do not think it was by any means uniform in all places. To be sure, in direct reference to the provisions represented in or by the Rectitudines, Andrews (*Old English Manor*, p. 173) says: "The allowance of land which the *cotsetla* received from the lord was 5 acres at the least; it might be more, but it could not be less." But he intimates that certainly in somewhat later times, and probably at times nearer the date of the Rectitudines, this rule was not at all like the "laws of the Medes and Persians"; and he continues: "This was not, however, a fixed

measure, but varied in the different localities, probably according to such terms as could be or had been made with the owner of the land."

As to the services and customary dues the *cotarius* had to render, they are thus specified at one place: "Each shall pay for his *cotaria* 6d., and shall yield two fowls, a score of eggs, and shall hoe (or weed) four times. He shall mow the same number of times in the autumn (that is, in the harvest-field); he shall either mow or bind thatch (rushes mainly in this part of the world, reeds elsewhere perhaps, or occasionally) one day in the year; he shall help make or maintain the milldam, lead the millstone, be present at the capture of the horses, supply a prebend of nuts, help drive the beasts for slaughter when the Abbot goes anywhere to stay. He shall yield tol and tac and mercet, and also pay the accustomed multure of one part in thirteen of the grist." At Middlesborough, however, the terms stand thus: "A shilling yearly for his *cotaria* of an acre and half; providing eight men for a day's work in autumn, with two meals supplied by the Abbot. Four fowls also, with forty eggs, must be rendered by him, and he must execute 'lades and rades,' as the *bondi* do, besides leading turf and corn, and supplying a goose." In this case no mention is made of "tol and tac and mercet," although in the other instances it is specified.

I pause for a moment in passing to draw attention to the very suggestive resemblance between what I have rendered by "must execute lades and rades, as the *bondi* do, besides leading turf and corn," and the *geneat's* services as specified in the Rectitudines and supplemented in the Dyddenham Consuetudines, and which I cite as expressed in Mr. Seebohm's book: "The *geneat* shall ride, and carry, and lead loads, and drive droves." The services specified are not only identical in the several cases, but the same quaint old idioms are employed to express them. In fact, the "lades and rades" of the Whitby Consuetudines are explained by the old A.S. *ridan* and *lade*,

just as the pack-horse-carrying (*sumagia*) explains the *ridan* itself; and the driving the beasts intended for slaughter, and the leading of turf, firewood, corn, etc., explain the driving of droves and the leading of loads.

But to revert: the most cursory survey of the Whitby Consuetudines, or the services and dues which had to be rendered by the occupants of the Abbey lands in the various townships mentioned—by the *bondi* of those places, in short, and not excluding those which had to be rendered even by the *cotarii*—is sufficient to reveal the entire absence from among those services and dues of what is customarily spoken of as "week-work," which is styled by Professor Ashley (*Economic History*, i. 19) "the most distinctive mark of villein tenure."

Certainly there is mention made of "mercet," the merchet or *merchetum*, "the most odious," as Vinogradoff remarks, "of all manorial exactions," which came to be "considered as a note of servile descent," while the man "free by blood was supposed to be exempted from it." But Professor Vinogradoff warns us that it would be "wrong to consider it an unfailing test of *status*." Its history, he says, "is a complex one: not even all the feudal serfs descended from Saxon slaves paid merchet; in some cases it was paid by free people: a payment of this kind was exacted sometimes from free men in villainage, and even from socage tenants."

It will be well to give attention to this last remark, as well as to the following sentence or two from the same authority, which is met with on the same page: "As soon as the notion arose that personal servitude was implied by the payment of merchet, as soon as such a notion got sanctioned by legal theory, the fine was extended in practice to cases where it did not apply originally. We have direct testimony to the effect that feudal lords introduced it on their lands in places where it had never been paid."

Now there are not many who would care to maintain that the agricultural population of the places named in our *Con-*

suetudines document (places situate in the immediate neighbourhood of the most Danish part of the Danish county of York) were likely to be "serfs descended from Saxon slaves," or that in that neighbourhood the payment of merchet, if ever exacted in fact and deed (of which there is no evidence), could be "considered a note of servile descent." But even on the assumption that the payment was actually exacted as well as formally claimed in this interesting document now under notice, there is a circumstance which must needs be mentioned, and which may prove to be such as to merit more than merely bare mention. What I mean is that in the Domesday return touching Whitby, the relation between that territory and the several places mentioned as in the occupation of the *bondi* aforesaid was that of head or capital manor and soke. "Ad hoc manerium," that is "Witebi et Sneton (berewica)," "pertinet soca harum," specifying all the places mentioned in the Consuetudines memorandum.

Now I should like to collate with this the following sentences from Vinogradoff's *Villainage in England:* "A phenomenon well worth consideration is the existence in some parts of the country of a unit of jurisdiction and management which does not fall in with the manor; it is called the *soke*, and comprises free tenantry dispersed sometimes over a very wide area. . . . We need not go into the details of the personal status of the tenants; they clearly come under the description of free sokemen; . . . their services are trifling as compared with those of the customers (*custumarii*); what unites them to the manor is evidently merely jurisdiction: . . . they are set apart as forming the soke, and this shows them clearly to be subjected to jurisdiction rather than anything else." Every word of this applies to these Whitby sokes.

Even if I were sufficiently a lawyer to work these matters or questions fully out, or even to attempt to do so, a section or chapter in this book would not be the place in which to do it. It would occupy far too much space and prove sadly too

technical. Perhaps what has been so far advanced may almost appear to be of that nature, but I cannot help thinking that there are many among the readers of such books as the present who will accord their full forgiveness; such, I mean, as do not read for merely the same reason as they would play a set at tennis, or look on at a game at cricket, simply *pour passer le temps*, but in order to acquire information. That the facts and considerations advanced above will tend to lead the readers of Whitby history to entertain new views on some points, or to see that, at the least, such views are possible, can hardly be doubted. And, at all events, it will be seen that some of the propositions advanced by Whitby historians can by no possible means be entertained by men of reasonable minds, such, for instance, as that the "villanes were a species of slaves," and were "considered as a kind of cattle" (Young's *History*, p. 275, and p. 276 note). These *bondi* and *cotarii* were surely not to be so described.

THE CHAPELS AND HERMITAGES ATTACHED TO THE ABBEY

In view of the many references that are and must be made in a book of this character to the home endowments of which the renascent monastery was the recipient, it will not be amiss to give a brief notice of the said early endowments and matters connected with them. The more so because, as regards the places themselves, the lands of which constituted the main part of the endowment, as well as their accessories, doubt has existed, and much random guessing and corresponding error and confusion have been occasioned. Some of the doubt may thus be removed, some of the confusion cleared away, and ascertained facts may be put in the place of error.

The best method of procedure will surely be to cite the oldest specifications of the endowments and their locality, and then to make a more or less careful and accurate analysis of them.

Many years ago I concluded—and I have met with no reason since to induce me to consider that conclusion erroneous—that the earliest writing in the so-called Abbot's Book or Whitby Register is not of later date than 1155-65; and in that writing William de Percy, his son and heir Alan de Percy uniting with him, is described as granting in frank-almoign, and certainly sometime before 1090, to the Monastery of Whitby "the vill and seaport of Whitby; Overby; Netherby, otherwise Steinsecher (Stainsacre); Thingwala; Leirpel (Lar-

pool); Helredale; Gnip, otherwise Hauchesgard (Hawsker); Normaneby; Fieling and the other Fieling (otherwise Fylingdales); Bertwait; Setwait; Snetune (Sneaton); Hugelbardeby (Ugglebarnby); Soureby; Risewarp (Ruswarp); Neuham (Newholm); Stachesby (Stakesby); Baldeby; Breccha; Flore; Dunsleia; the hermitages of Eschedala (Eskdale) and Mulegrif (Mulgrave); the forests which appertain to the Church of Whitby; the Church of St. Mary of the said vill, with its six chapels—those, namely, of Fyling, Hawksgarth, Sneaton, Ugglebarnby, Dunsley, and Aislaby, and other appurtenances; Agge Mill (possibly Rigg Mill), Kocche (Cock) Mill, Ruswarp Mill, New Mill, and Fyling Mill; the vill of Hackness and two mills there, and also St. Mary's Church at the same place, besides the Church of St. Peter, where our monks used to serve God, died, and were buried; the Dales also (Harwooddale and lands adjacent); Everley; Brocchesei (Broxa); Northfield, with the Danegeld remitted; Silfhou; all Gayteley; and Suffield; the Vaccaries of Stoup, Thornley, Kesebeck, and Bilroche (Billery)."

This list practically dates within the last decade of the eleventh century; the other, which I proceed to give, is from the Confirmation of the grandson of the Founder, and is from thirty-five to forty years later, and the chief difference observable is in its brevity: "Whitby with its Church of St. Mary's, and its sea-port, with all its liberties or franchises and appurtenances; Netherby also, and Overby; Hawksgarth; Normanby; Fyling and the other Fyling; Stoup; Sneaton; Ugglebarnby; Sourby; Newholm; Dunsley; Stakesby; Brecca; Baldby; Flora; Hackness, with the Church of St. Mary there, and the Church of St. Peter, and all appurtenances whatsoever, so that certain monks of the Convent Church at Whitby may continuously live there, serving God and St. Hilda, and praying for the souls of the Founder and his family; also Northfield, Suthfield, Everley, Broxa, and Thornley."

All the places thus mentioned are of easy recognition, save

only Overby, Thingwala, Bertwait, Setwait, and Brekka. Of these five, two, Brekka and Overby, admit of hypothetical localisation, such as to present every appearance of probability. But there seems to be no clue—that is, of any practical value—to lead up to the positive, even satisfactory, identification of the sites of the other three. Certainly the grouping leads us to infer, as the circumstances of the case also do, that Thingwala was within easy distance of the precincts of the Abbey; but it is not possible to say even as much as that touching Bertwait and Setwait. Moreover, no mention at all of either of these three places is made in the second list. Their position therefore must be left indefinite. Overby was probably what is now called High Whitby, Helredale is the dale or valley which debouches near Spittal Bridge, while Soureby and Brecca are on the other (or Ruswarp) side of the river. Priestby and Soureby being associated together as belonging to the earliest endowments of the monastery, and Priestby being identified with absolute certainty as that part of Whitby in general which was distinguished as the site of the Convent, it was assumed by Charlton (an assumption acquiesced in by Young) that Soureby was in near association, if not almost juxtaposition, with Priestby, and the proposed localisation has been with Sneaton Thorpe. However, it is absolutely certain that it lay no great way out of the line between the Carrs at Ruswarp and the modern extension of Whitby on the western side; Brecca being in the same general neighbourhood, and probably indicated by the name Bracken-bank (occurring in "Ministers' Accounts") not far from Baldby Lane. The best general idea of the home territory of the Abbey, however, will be obtained from a glance at a fairly accurate map of the district; even the somewhat rough sketch given in the second volume of Young's *History* being sufficient for the purpose.

It would be observed that among the other appendages of the parish church of Whitby, six chapels are mentioned, Sneaton being one of them. No very long time after the

date of Percy's munificent grant Sneaton was transferred, church and manor, into the hands of a man of some local importance, named Arundel; the result of which transfer was that the church of Sneaton became independent, practically, of the mother church, and remains a rectory to the present day. The transfer in question, however, did not take place until after 1132. All the other five chapelries have experienced the same fate as the parish church of Whitby itself did, and have continued to maintain what might very well be called a precarious existence. The tithes once belonging to the mother church, as was the case throughout Cleveland proper, with only a few exceptions, passed into the hands of lay, or practically lay, impropriators, and the livings had, in reality, to shift for themselves; it was hardly likely the chapelries would fare better than the church of which they had been dependencies.

One remark should be made here, namely, that the six chapels of the end of the eleventh century and beginning of the twelfth had, before the expiry of the first quarter of the thirteenth, become seven. In a bull of Honorius III. (who became pope in 1216 and died in 1227) the chapel of Eskdale is mentioned in conjunction with the other six; and the date is well worth noting, inasmuch as, with the scanty architectural remains of the building still in existence, a very closely approximate date is furnished for the chapel which eventually was superseded by what has been for long usually called Sleights Church. The ruin referred to, which stands in a field a little to the right of the railway as the train proceeds towards Whitby after passing Sleights Station, has been identified, as I am aware, with the site of the romancing, rather than romantic, fable of the Eskdale hermit. The story as it is given by Young as well as Charlton (dating itself in the year 1159) makes the chapel and hermitage, if not coincident, yet at least contiguous. This is inconsistent alike with the architectural and the written testimony. From the latter it is certain that no chapel of Eskdaleside existed so early as

the alleged date, but that a hermitage was extant there is made equally certain. A century or so later, and there is an absence of historical recognition of the hermitage and an equally defined historical recognition of the chapel. The inference of course is that the hermitage has given place to the chapel; and it is at this point that the architectural evidence becomes of interest, and indeed of value. Because it unquestionably indicates the approximate time when the hermitage had been superseded by the chapel; and that is early in the thirteenth century, and not very far removed from the period which was marked by the building of what now gladdens our eyes in the easternmost portion of the ruined Abbey Church of Whitby.

This, however, by no means ascertains for us the precise site of the Eskdale hermitage. It is possible, perhaps even probable, that the site of the hermitage was, if not actually adopted as the site of the projected chapel, yet in close proximity to the said site. But certainly there is no assurance that it was so. Seeing the place as we see it now, moreover, may instigate the thought that there is a want of the solitariness, the roughness, the ruggedness and severity which we have in some way learnt to associate with the idea of the ancient hermit, his abode, and his surroundings. Still, we must remember that the eyes which beheld the place we are thinking of eight or nine centuries ago had very different scenery from the present to contemplate, and that the scenes enacted were as different as the scenery. For instance, it would be principally from the Eskdale forests that, some two centuries later, those thirteen wolf-skins, which were tanned for the Abbot, in one lot apparently, were obtained. And there is rather a suggestiveness about the wolf and his haunts. But if he lived and ravaged in such numbers at the end of the fourteenth century, what are we to think of him and his lurking-places some 200 or 300 years earlier still? There may have been then no lack of ruggedness and even savagery

about the site of the old Eskdale chapel at and a little before the time at which our records tell us it must have taken its rise.

As to the relative antiquity of the other six chapels named it is perhaps idle to speculate. What evidence there is points to the superior age of the chapel at Hawsker. There can be little doubt, perhaps none, that the venerable pillar which still stands in close vicinity to the hall, and which is assumed, and rightly, by Young to have had its connection with the Hawsker chapel, and indeed to indicate its presumable site, not only does that, but also bears testimony to the fact that the original chapel there was one of very early date. No one can look at it and fail to recognise that it has been a remarkably fine instance of the so-called "Anglo-Saxon" churchyard cross; and as such it indicates that, in the old days of Hild's sway, or those immediately succeeding them, here stood an early House of God. Probably, or rather, it may be, certainly, it continued to stand and do its original duty when the post-Conquest chapel of Hauchesgard was raised by Aschetine or Aschetil de Haukesgarth, and re-endowed by him between the years 1140 and 1150. As to the chapel of Dunsley, we are made aware by the terms of the charter of foundation of the Dunsley Hermitage that the chapel of Dunsley was already extant, because its rights are safeguarded by a special clause in the said charter. How long it had existed or by whom it had been originally erected we have nothing to tell us. But inasmuch as the hermitage was founded by a grandson of the founder of Whitby Abbey, whose father was dead before 1148, we may assume that the chapel, at the latest, belonged to a very early period in the twelfth century, though we cannot affirm that it had an Anglian prototype. Most likely the Ugglebarnby and Aislaby chapels were more or less contemporaneous, as to the time of their building, with that of Dunsley.

As regards the chapel of Fyling, it is to be observed that

special mention is made of it in a confirmation by Archbishop Thurstan, which we are able to date in either 1131 or 1132. The same document also names the chapel of Sneaton, so that we are aware that at that early date chapels were extant at both the places named. The fine and interesting Norman font, still happily in being in the modern church of Sneaton, although victimised by scraping or paring, would of itself be sufficient to attest the early date of the elder Norman edifice. But regrettably there is nothing now to suggest, and much more to assure the belief that there was an earlier or Anglian structure there.

In pausing to speak of these early appurtenances of the mother church of Whitby, I have been led away from the subject which was most in my mind—I mean the "heremitoria" or hermitages mentioned as parts of the original grant to the renascent Convent, or becoming parts of its belongings no long time afterwards. The two specially mentioned in the grant are "Eschedale" and "Mulegrif" (Mulgrave). Of the former there is no need to speak further after what has been said above. Of the latter it may be otherwise. So too with respect to the "heremitorium" of Godeland or Goathland, which became in the time of the first Henry a part of the belongings of the Abbey of Whitby.

There seems to be a considerable measure of indefiniteness alike in the mention made and the conceptions formed relatively to the hermit and the hermitage by the earlier Whitby historians. Thus Young, when speaking of what he calls the Godeland Hermitage, says: "Besides the cells our Abbey had several lesser dependencies called 'hermitages.' One of these was in Godeland. It was granted by Henry I. to one Osmund, a priest, and a few brethren who took up their habitation there. . . . The hermitage seems to have been little frequented for some time previous to the Dissolution, a remark which is applicable to the hermitages in general, as the monks of that age preferred the luxuries of the convent to the sweets of

retirement." And a little further on we find him writing: "On the whole, it appears that all the hermitages were established about one period, and that, in the course of some years, the heremitical life becoming unfashionable, most of them were either entirely abolished or converted into chapels."

One can hardly restrain a smile on reading of the unfashionableness of heremitical life, or the cessation of frequenting hermitages. The ideas presented are so laughably incongruous.

Now what are the ideas usually associated by the ordinary reader with the terms "hermit" and "hermitage"? Are they not somewhat vague and indistinct? Dr. Young, as we see, hovers between the ideas of a retired life, a life of frequented services, the life of a recluse, and a life which depended upon fashion, vogue, or the feeling of the day. Then again, the surmise that "all the hermitages were established about one period," and that period (as appears from a sentence or two preceding the reference to the general subject of the hermitages) not very remote from that of "the establishment of the abbey." Is that very much more reasonable than the others which were just now adverted to?

Let us look a little more closely at the actual meaning of the words we are commenting on—"hermit," namely, and "hermitage." *Eremita*, *heremite*, *hermit*, "a dweller in a desert, one who lives in solitude"; such is the meaning given by the etymologist, which carries us back at once to the true prevailing original idea. "Ascetics," says Bingham (ii. 242), "there always were in the Church; but the monastic life, neither name nor thing, was known till toward the fourth century. . . . The rise of it was thus. In the Decian persecution, which was about the middle of the third century, many persons in Egypt, to avoid the fury of the storm, fled to the neighbouring deserts and mountains, where they not only found a safe retreat, but also more time and liberty to exercise themselves in acts of piety and divine contemplations; which

sort of life, though at first forced upon them by necessity, became so agreeable to some of them that, when the persecution was over, they would not return to their ancient habitations again, but chose rather to continue in those cottages or cells which they had made themselves in the wilderness. The first and most noted of these were Paul and Antonius, two famous Egyptians, whom therefore St. Jerome calls 'the fathers of the Christian hermits.' . . . But as yet there were no bodies or communities of men embracing this life. . . . Till the year 250 there were no monks, but only ascetics in the Church; from that time to the reign of Constantine monachism was confined to the anchorets living in private cells in the wilderness. But after monasteries had arisen in Egypt, other countries followed the example. Thus there were no monasteries in Italy or Rome till after 340, when Athanasius taught the anchorets to live in societies, after the example of the Egyptian monks."

The "etymological" meaning of "hermit" was given a little above; let us notice the same kind of meaning of the two other, not equivalent but correlative, words which have occurred once or oftener in these extracts from Bingham's *Antiquities of the Church.* Professor Skeat defines anchoret by the terms "a recluse, hermit," and quoting the Greek original, gives the more expanded signification of "literally, one who has retired from the world." About "monk" the same authority writes "a religious recluse," from the Greek word which signifies "solitary." In short, the leading ideas in the two words severally are those of retiring or withdrawing from the world, the haunts of men, and of leading a lonely or solitary life, that of "hermit" being "a dweller in the wild hiding-places of the wilderness or desert."

One consideration likely to suggest itself to any one thinking of these things would surely be that, if anchorets, hermits, and, in the earlier stages, monks also, were of such a description—men retiring from society and living in private cells, or even

in caves or rude huts in the wilderness, and retiring, moreover, either for shelter in times of persecution or for the greater facility of leading religious lives—there must of necessity have been a more or less complete absence of what would be called nowadays the "clerical element" among them. Besides, as Bingham remarks, the monks originally could be "no more than laymen; for being confined to the wilderness, the clerical and monastic life were upon that account incompatible states; and for almost one whole age they were scarce ever joined together."

Again, another consideration of the same character would suggest that when (to adopt Dr. Young's phraseology) eremitism became "fashionable" it would naturally happen that the same "desert," "wilderness," place of isolation, whether more or less wild or savage, might be or would be adopted by more than one person, or perhaps by more than two or three, acting under the influence of the same motives or bent upon the same quest; a thing which indeed, in point of fact, really did happen, and in more instances than possibly we of this nineteenth century might be inclined at first sight to allow for. These groups of anchorets, or men who retired from society and took to living, some of them "in private cells in the wilderness," others "in caves, or little tents or cells," were all called by one common name, *Laura*, which differed from a cœnobium or community in this, that there were in it many cells divided from each other, where every solitary or monk provided for himself; but a cœnobium was but one habitation, where the monks lived in society and had all things in common.

I pause here for a moment to suggest to the reader that all this receives illustration from, as well as throws light upon, what we know from Adamnan and others about the monastic communities or cœnobia which were established, and maintained themselves, in the north of England,—in Iona, let us say, or Wearmouth, or Hartlepool, or even our own Whitby. When

Reinfrid came thither, we are told, the ancient dwellers in the country-side could tell of the well-nigh forty monasteria or oratoria which were among the ruins left of what had been Hild's hallowed foundation, their roofless walls only remaining with their violated altars to attest the order which had once prevailed there, and to tell something touching the fashion and manner of the same.

To men and women—for there were both, be it remembered, in the Streaneshalh establishment—accustomed to such grouping and surroundings, the original idea of the life of the hermit, the anchoret, or single monk can hardly have been a strange one, and still less the idea of a group of persons who, originally solitary, had, through mutual association, come to band themselves together into a regular community. That there would be among them clerical members or "priests" goes without saying. The idea of a "religious life" which excluded the priestly order would indeed have been a strange one in those days; but it would have been stranger far to think of a community of that nature—embracing religious women as well as religious men—as mainly clerical, or as containing more of the priestly order than were necessary for the spiritual advantage and welfare of the community at large.

The idea of a solitary life, then, the life of a recluse or hermit, as aiding in or forming the greater part of a religious life, must have been clearly familiar to the minds of the religiously disposed of the Lady Hild's period and the times immediately following. And I cannot therefore accept Dr. Young's notion that all the Whitby hermitages were established at one period, and that period distinctly subsequent to the re-establishing of the monastery during the closing years of the eleventh century. On the contrary, I hold that, the ideas of a religious life having been what they notoriously were in Anglian times in the north, and never having hardened into any stricter system than that of the cœnobitical life which is known to have prevailed in Anglian monasteries, the origin of

these hermitages within or just beyond the limits of the Whitby liberty must be looked for in the earlier ages of the Northern Church. We might expect to find traces even of the grouping together of two or more hermits or solitaries in some places, and such would almost certainly be found had we but the necessary sources of information or opportunities of investigation.

I was struck, when editing the *Rievaulx Chartulary*, at finding in a charter by Roger de Mowbray, which could not be dated much, if at all, later than the middle of the twelfth century, distinct mention of a place whereat a hermit had formerly had his abode, and of the name of the hermit himself. The place could by its description be localised as in the northernmost portion of Farndale. The elevation of that part of Farndale is not much under 1400 feet, and its character was indicated by the use of the word "saltus" in its description. The site of Rievaulx itself, fair as all there is now, had been described but a few years before as "locus horroris et vastæ solitudinis," or "a place of dread, a waste lonely wilderness"; but what must Middle-head in Farndale-head have been at the same epoch! And yet it was there that "Edmund the Hermit" had once had his abode, and, wild beasts and weather notwithstanding, had lived a life of pious asceticism.

Next, and at a date nearly approximate, let us notice the terms of the endowment of the hermitage in Dunsley Wood near Mulgrave—for the hermitage is spoken of as already in being. "This hermitage," says the author of the charter, with the lands assigned to it as above, "I have given and granted to be directed by and subject to the Church of St. Peter and St. Hilda of Whitby, on condition that there shall be perpetually celebrated there divine service by some priest from thence, but always respecting the rights of the Chapel of Dunsley." I have given this translation as exactly as possible, in order that the extent of the grant may be precisely

noted. The usual terms are, "I have given and granted *Deo et S. Petro et S. Hildæ*," but in the deed just quoted they are "in obedientiam et subjectionem Ecclesiæ S. Petri et S. Hyldæ," which is an unusual form. The more usual form is adopted by the benefactor's son, in his charter of confirmation, which gives, grants, and confirms "Deo et S. Petro et S. Hildæ de Witebi," the said hermitage and all that thereto appertains.

Now take all this in connection with the fact that the hermitage of Mulegrif as well as that of Eschedale is mentioned in the earliest notice we have of gifts and grants made to the renascent Abbey of Whitby, and I think the inference that these hermitages were extant before William de Perci, the founder, made his formal grants to the Abbey becomes well-nigh irresistible.

But we have still to look at the grant, and the terms of grant made in respect of the Godeland hermitage.

In the first place, let us take notice of the date of the documents from which our knowledge is derived. There are three of them, and all three charters of grant by Henry the First. This throws us back to the first thirty-five years of the twelfth century. But further, they were issued during the presidency of Archbishop Thomas of York, which limits the date to the six years between 1108 and 1114. At some time within these six years the king makes grant, using remarkable phraseology in wording the grant, of a special place to certain specified parties, for a special purpose. The parties were Osmund the priest and the brethren of Godeland. The purpose or object of the grant was "ad hospitandum pauperes" ("for the purpose of treating poor people as guests"). But the place is not localised specially, however apparent it may be that it is within the Godeland district. It is simply spoken of as "ipsum locum," "the place itself," or "the precise place." It would take a great deal of ingenuity, when the brotherhood of Godeland and the precise or special place are thus mentioned together, to show that the brethren and the place had no bond

of connection. There is no alternative to the conclusion that the place had been occupied by these "fratres de Godelandia" in the time anterior to the king's interposition; and I think we may also infer that they had been under the direction if not the headship of a priest.

We must next notice that in that which is surely the second of the three charters, and which, in point of time, is closely subsequent to the first, the phraseology is slightly modified. The charter recites that the king grants and confirms to the Godeland brethren ("fratribus de Godelandia"), but without special mention of Osmund the priest, "ipsum locum de Godelandia," with certain other gifts of land, pasturage, and privileges of a valuable character as well as considerable in amount.

But if it be asked, "What had the king to do with the matter, whether as regards the 'ipsum locum' or the new concessions of arable land, or the pasture and other forest privileges?" the answer brings to the point other considerations which certainly should not be ignored.

In the case of the hermitage in Farndale, where the eremite Edmund had in times past had his abiding-place, it is to be noticed that Roger de Mowbray was named as the grantor. He was the lord of the fee which embraced the valleys or dales of which Farndale constituted one, and as lord of the fee he "held under" the king. At Goathland, however, there was no mesne lord, or lord holding under the king. The king was lord himself. In other words, Goathland was within, and a dependency of, the royal manor and forest of Pickering; and thus the "ipse locus" occupied in times preceding the royal grant we are considering was within the wastes and solitudes of the king's forest.

But that is not all. These "fratres de Godelandia" settled in the wild wastes—and any one with only a moderate amount of sympathetic observation may see, as he flits along the railway towards Levisham on a dree or stormy winter's day, what the wastes of Goathland must have been eight centuries

ago—just as in the early times the anchorets, who withdrew from the haunts of men to the solitudes of the desert or the wilderness, had fixed their living-place, whether hut, tent, den, or cave, there without any one's leave asked or given. But things had altered, and were still altering greatly as regards land and its belongings and privileges, when Henry, the first of the name, came to the throne, and more particularly when he had been some few years king, and was more than beginning to consolidate his power. Consequently the "ipse locus," which had been lightly entered on at first, no one gainsaying or thinking of interference, needed now to be assured to the holy man or men who had sought its shelter, actual or possible, when it had been in the main practically regarded as "no man's land."

Hence the intervention of the king, and his grant and the recognition of the quasi-claim founded upon use and wont of long-standing occupation. For I cannot think that the gathering together of that band of brothers had been the work of a few weeks or months only, any more than I can look upon them as anything else than as a band of laymen, saving only the priest Osmund, who had somehow come to be regarded and treated with as their superior. He may have been the originator of the movement which led to their gathering together, or he may have been called in after the band had been some time in process of accretion, in order to constitute the band as a religious community.

As illustrative of this point we have but to recall to our memory the history of the earlier stages of the movement which resulted in the reconstruction of the holy house of Whitby itself. Freeman (*Norman Conquest*, iv. 665) tells the story thus: "It came into the hearts of certain monks in a distant shire, who had read in Baeda how full Northumbria once was of holy places, to set forth on a missionary enterprise to the benighted land of the north. The leader of them was Ealdwine, Prior of Winchcombe. In the neighbouring house

of Evesham he found two brethren like-minded with himself—Ælfwine, a deacon, and Regenfrith, seemingly a lay-brother." This Regenfrith is simply our Whitby Reinfrid with his name spelt with strict accuracy, and he is mentioned by Symeon of Durham in his account of the transaction as "ignarus litterarum" or without learning—"unlettered," as we sometimes express it. This is the explanation of Freeman's phrase "seemingly a lay-brother," and no doubt he is right in the surmise. The narrative may be very well continued from the story of the foundation of the cœnobium of St. Mary's at York as told (professedly) by its first abbot, Stephen of Whitby. After saying that in the year 1078 he assumed the habit of the monkish profession, he states that at that time certain brethren leading an eremitical life there—at Whitby, namely—had conceived the desire and the purpose of restoring the place, once so famous for the religious life of its inmates, to something at least approaching to its pristine holiness. Among these "fratres" Reinfrid was principal. He had sojourned for a time at a place called Jarrow, as a "solitary," employing his time in divine contemplation, although no long time elapsed before many, led by a longing for his converse, associated themselves with him, and submitted themselves to the direction of a strict rule. After a while, still mindful of his original desire, he delegated his position to others, and intent as before on leading the life of a solitary, came to Whitby, where again, when once his repute had become known, many persons resorted to him with the desire of continuing in his society.

Now, little as I trust this writer's account of what took place at Whitby in connection with the government of the rejuvenated religious establishment, there is no reason to doubt that his representation of the circumstances of the time, as set forth in such phrases as "heremiticam vitam ducentes," "divinæ contemplationi vacans solitarius extitit," "solitariam vitam ducendi gratia, Wyttebeiam venit," "sed ibi quoque, audita ejus fama, plures ei sociati sunt," is substantially accurate.

On the contrary, it is consonant with all we know and all we can picture for ourselves of the feelings and the practice of the times. And it is illustrated by the general series of extracts from Bingham's *Christian Antiquities* given a little above.[1]

Regarding Reinfrid's motives, objects, proceedings and final success, from this point of view, how can we help associating therewith the proceedings which eventually resulted in the formation of the band of "fratres de Godelandia"? There too we may suppose that some man like-minded with Reinfrid, unacquainted as he was with the learning or literature of the time, and also, like Reinfrid, a layman, retired to the wilderness of Godeland, attracted others to him by his asceticism or the fame of his piety, joined them in a brotherhood when numbers and circumstances permitted, and made it in the issue—we do not know how long first—a religious brotherhood indeed, by placing the community, the *cœnobium*, under the spiritual direction and recognised organisation of Osmund the Presbyter.

We have still to consider the meaning of the phrase employed in the first of the three charters granted by King Henry, namely, "ad hospitandum pauperes," "for the purpose of treating poor folks as guests."

I do not think that special attention has been drawn to this matter by any existing historian of Whitby. It is true that, while Young practically ignores it altogether, Charlton does in his way advert to it. He makes Henry "give to Osmund the priest and his fraternity in Godeland . . . that place to lodge and entertain the poor"; and he adds, though, as usual, without a particle of authority, that "Osmund and his fraternity being accordingly put in possession of Godeland, erected a hermitage, built a few huts, and lived there sometime; but were so much straitened in their circumstances that they found it again necessary to apply to the king, who granted them another charter," etc. This paragraph, which is

[1] Pp. 246, 247.

partly due to absolute invention and partly to misconception, at least ignores the expression we are noticing.

M. Jusserand is a reader and student of old records of another stamp, and in his book *English Wayfaring Life in the Fourteenth Century* we find him remarking that "in the convents hospitality was a religious duty; for the Order of St. John of Jerusalem the first of duties. This Order had establishments all over England, and it was good fortune for the poor traveller to come to one of them. No doubt he was treated there according to his rank, but it was much not to find the door closed." A little further on he writes: "Only people of high rank were admitted in the monastery itself. The mass of travellers, pilgrims and others, were housed and fed in the guest-house. This was a building made on purpose to receive passers-by; it usually stood by itself, and was even sometimes erected outside the precincts of the monastery." And yet again: "It must have been only the very poor or the very rich or powerful for whom the monastery served as a hostelry. Monks received the first in charity, and the second by necessity." And once again, and speaking of the harbourage the wayfarer might chance to fall in with in the course of his journeyings, the same writer observes that over and above the roadside inns or alehouses "other isolated houses that were found along the road had also constant relations with travellers, those of the hermits." But he continues: "In the fourteenth century hermits for the most part seldom sought the solitude of deserts or the depth of the woods. Such as Robert Rolle of Hampole fasting, falling into ecstasies, were rare exceptions."

But even this suffices to point to what the hermit had been in the ages preceding the fourteenth century, and the custom which continued of receiving charity from the passers-by attests the fact that the days had been when gifts and oblations had been asked and received from the wealthier or better-to-do classes as they passed in their travellings, in behalf not only of the hermit himself, but of those manifold others who

were constrained in those hard days to take to the road for one reason if not another. At the present day, says the French author we have quoted from, "there are but few wayfarers. . . . It was otherwise in the Middle Ages; many persons were bound to a wandering existence, and started even from infancy on their life-long journey. Some trotted their strange industries in the broad sunshine, through the dust of the high-roads; others skulked in bye-lanes or even in coppices, hiding their heads from the sheriff's officer; maybe a criminal, maybe a fugitive, a 'wolf's head' that every one may cut down, according to the terrible expression of an English jurist of the thirteenth century. Among these were many labourers who had broken the villein's bond, unhappy and oppressed in their hamlets, who wandered through the country in quest of work, as though flight could enfranchise them. . . . Among them were pedlars laden with petty wares, pilgrims begging along the roads, living by alms, and many another besides, of whom and whose ways of life we can scarcely form a conception at the present date." Truly there would be no lack of "pauperes" then for the self-devoted religious solitary, or band of solitaries, to receive and deal with as guests sent by Providence; and especially on or near the line of tracks or ways leading from one district to another.

Now the Goathland Hermitage could not possibly be very remote from more than one ancient track-way leading from the parts nearer the centre of the county to places of more or less customary resort. Place it (as some with whom I by no means agree have sought to do) at the locality called Abbot House, it is barely a mile off the route of what must have been for ages a line of way or road (such as roads were so many centuries ago) from the Pickering district to the Whitby district. Put it nearer the church (which, assuming that the church stands on or near its ancient site, I should be much more inclined to do), and it is but a mile from what was, at that time, by far the most important and infinitely the best

thoroughfare between Malton and the heart of the Whitby district—I mean the Roman Road. The same holds good again with the Dunsley Hermitage. Utterly scouting, as I do, the idea that the Roman Road terminated at, or anywhere in the vicinity of, the village of Dunsley, and, on the contrary, maintaining that it passed Dunsley some little distance on the west, crossing the Mulgrave ravine, and making its course as the gradients would permit under the splendidly able direction of the Roman engineers, to its terminus no great way from Goldsborough, there can be no question from the indications of a local nature given in de Percy's charter, vague though they may be, as to the site of the hermitage in question—so far as this, namely—that it was in the near neighbourhood of the great military way. And it hardly need be added that considerations of the same general nature are by no means precluded by the assumed site of the Eskdale Hermitage.

Perhaps a few words more, touching the further history of the Godeland Hermitage as we are enabled to read it in King Henry's three charters, will scarcely be looked upon as altogether out of place. We observed that in his first charter he gave the site ("ipsum locum") of the already existing hermitage, together with all and every right thereto appertaining, to Osmund Presbiter and the brothers of Godeland. In the second—it stands the third in the Abbot's Book—he confirms that gift and adds besides a carucate—about 120 acres—of land for ploughing, with pasture for their stock throughout the Pickering pasturage, timber for their buildings, brushwood for their fences, and dead wood for their hearth. The third deed, however, is of a different nature. In the first place it states a fact; in the second it gives formal sanction to the act specified in the mention of the fact, the deed having been done with the royal approval and consent. The charter is addressed to the same three notabilities as are the preceding two,—a circumstance which makes it probable that no great space of time was permitted to intervene between the execution of the

first and the last. These three men of mark were the Archbishop of York, Nigel de Albini, and Osbert, Sheriff of the County of York; while Robert de Brus attests the deed in either case, although the first was executed at Windsor, the next, and the last also, at York. "I do you to wit," is the language of the document, "that, whereas Osmund Presbiter and the brethren of Godeland, to whom I granted the site ('ipsum locum'), have, with my acquiescence and consent, surrendered themselves and the said hermitage of Godeland, with all that appertains thereto, to God and the Church of Whitby and the Abbot and Convent of that place, with the view of being invested with the habit of Religion in the Chapter (and chapter-house) of the monks, and of living in obedience to, and according to the discipline and direction of the Abbot, and of receiving the rites of burial in the monks' cemetery: I therefore will and authoritatively require that the said Abbot and monks do and may dispose of the said brethren according to the rule of St. Benedict, and by this my charter I confirm to them the aforesaid hermitage of Godeland, with all belonging to it, to have and to hold fully, freely," etc. The final clause, however likely to be overlooked, is notwithstanding of interest to the student; for it is: "And I desire that no man whatever should presume to interfere with the said brethren of Godeland, or with the hermitage in particular, or anything belonging thereto, except only the Abbot of Whitby and persons duly deputed by him."

The passage is interesting because it makes it entirely clear that, although the Goathland brothers were to be permitted to assume the Benedictine monkish habit, to have their place "in choro et capitulo" precisely as the Whitby monks proper had, and on their decease to be buried as the monks were and in their special burying-ground, still their hermitage was to remain intact, and they were still, in actual fact, to remain *resident* "fratres de Godelandia." In other words, as I take it, the duty implied in the words "ad hospitandum pauperes"

still remained incumbent upon them. Indeed I feel by no means certain that the entire transaction may not be looked upon in the light of what we customarily speak of as "a new departure" taken by the king.

No one fairly conversant with the early chapters of the English history but is aware of the troubles, leading to anything rather than good domestic government, of the first half-dozen years of Henry's reign, and is aware also that, whatever the period may have been for the upper classes, it had been one of "evil customs" for the Church, and of exactions and oppressions for the lower classes. Much or most had gone wrong, and the class of the "pauperes" had almost indefinitely increased. But "with the victory of Tenchebray in 1106 Henry was free to enter on that work of administration which was to make his name memorable in our history. Successful as his wars had been, he was in his heart no warrior, but a statesman. . . . He had little of that far-reaching originality by which the Conqueror stamped himself and his will on the very fabric of our history. But he had the passion for order, the love of justice, the faculty of organisation, the power of steady and unwavering rule, which was needed to complete the Conqueror's work. . . . Within his realm the licence of the baronage was held sternly down, and justice secured for all. . . . 'While he mastered the foremost counts and lords and the boldest tyrants, he ever cherished and protected peaceful men, and men of religion, and men of the middle class.'"

Such are John Richard Green's words (or some of them) touching the king whose Goathland Hermitage charters we have been pausing over for a space; and in them I think we may possibly find material for some small illustration of the spirit and the policy in pursuit of which he took the line his charters show that he adopted, in not only recognising the hermit-brotherhood and their objects, but also aiding in the furtherance of the same by what was, over and above his

special countenance and protection, a great, almost a splendid endowment.

Perhaps the general subject of the hermitages in which the Convent of Whitby had an interest would be left more satisfactorily if it were mentioned that, besides the hermitage of Westcroft (apparently in the Hutton Bushell direction) which is mentioned in the "Memorial," there was yet another hermitage which came into the Convent's possession at a somewhat later date. This was the hermitage of Saltburn, lying, however, within the territory of Upleatham. The grantor or donor in this case was a Roger de Argentum, and the grant must have been made early in the thirteenth century, as Prior Laurence of Guisborough was one of the parties attesting, and he is known to have been prior in 1211. In this case, again, the name of a former occupying hermit is given—"Brother Archil." I do not think any attempt has ever been made to fix the exact position of this cell. It is described as having been on the bank of the Holebeck, and the chief matter of interest connected with it is that de Argentum calls it "*his* hermitage," dealing with it as his personal property, and specifying that it had certain "easements and liberties in lands and pastures and waters" attached to it, which the Convent were for the future to deal with as they would..

DETAILED INQUIRY TOUCHING BURGAGE IN WHITBY, AND ITS TRUE IMPORT

THAT the Tollbooth had its site, its "local habitation," in Crossgate down to the time of the Dissolution is sufficiently assured by the extracts from "Ministers' Accounts" cited in a preceding section. Whether it was removed thence and built or rebuilt elsewhere at some time subsequent to the year 1540 and previously to 1640, there is no evidence, so far as I am aware, to prove, nor even data on which to found a presumption. And certainly probability does not seem to favour the supposition. As situate in Crossgate it was placed in the then most closely built-upon part of the town. Crossgate, as we have seen, was certainly far the shortest street in Whitby, and yet upon it were built no less than one-fourth of the sum total of dwelling-houses apparently existing within the limits of the contemporary town. Besides that, whatever the means of transit from the old market-stede,—the centre to which converged the three important gates or ways named Baxtergate, Flowergate, and Haggleseagate; whether such transit were by ferry, by ford, or by bridge (probably the latter, with the old St. Ninian's Chapel at the Baxtergate end of it),—the other end could by no possibility have been many feet distant from Crossgate. And last but not least is the consideration that this same street must then necessarily and unavoidably have been the main or principal means of access to the harbour or port of Whitby; which was above the bridge, it must be

remembered. And all these considerations would continue to have weight until Whitby, besides recovering from the disturbing and damaging effects of the Dissolution, had begun to thrive as a market town, and so to expand in other directions as to rob Crossgate of its superior advantages and claims. It is not therefore very likely that for a considerable term of years there would be any call for a new tollbooth on a new and more commodious site.

But this brings us to the contemplation of the fact chronicled by Dr. Young (p. 589) in the following terms: "The toll-booth in the Market-place was built by Sir Hugh Cholmley in the year 1640; and his son Sir William Cholmley supplied it with a town-clock about twenty years after. This building becoming decayed, or being deemed unsuitable to the improved state of Whitby, was taken down by the late Nathanael Cholmley, Esq., who in 1788 erected instead the present elegant town-hall,"—the building, that is to say, which we at the end of the nineteenth century have still before our eyes.

Assuming the accuracy of the date given, as well as that of the statement in other particulars, I think that the only safe and justifiable conclusion is, that when Sir Hugh Cholmley built the Tollbooth in the Market-place in 1640, it was intended to supersede the old Tolbothe which we know was standing in Crossgate less than a century earlier. Of the removal of this at any previous date we have no record, but it may well have become decayed and too little commodious by that time, so that under the altered and altering circumstances of the town, a new building would meet all requirements much more satisfactorily in the close vicinity, if not the very heart, of the new Market-place.

But I am far from thinking that the inquiry as to the site of the old Market-place or that of the mediæval "tolbothe" is the only, or even chief, matter of interest suggested by the mention of places or particulars connected with the economic

history of Old Whitby. On the contrary, I think that the reference to such places and particulars suggests more than one or two topics of inquiry and investigation, and of more than mere passing interest. And as one case in point I would refer to a document dated in 1357, and printed in the *Whitby Chartulary* as No. 571 (vol. ii. p. 513).

The document in question purports to be a formal grant and lease for two years by the Abbot and Convent of Whitby to Robert de Brus, of Preston near West Ayton, and Nicholas del Werk (Aldwark), York, in consideration of a sum of ready money (not specified) of all the conventual ferms called "burghmales," tolls, customs, accruing whether by sea or by land, together with tallage and all proceeds and benefits issuing out of their vill of Whitby, such as had hitherto been customarily received by the Convent bailiff, excepting only court fees and perquisites of whatsoever kind.

Further, in an account-roll, an extract from which is printed by Dr. Young (and in *Whitby Chartulary*, p. 625), and which belongs to the year 1460, the ferm of the vill of Whitby itself is put down at £6 : 0 : 5, the tolls and customs as producing £3 : 2 : 7 a year, and the "burmells" as amounting to £4 yearly.

In the next place, from the matters which are printed in the *Chartulary* as Nos. 589, 590, and 591, which are copies of three other account-rolls (two of them extending over an approximate half year, and the third embracing a whole year), it appears that the customary payment to the bursar of the Convent, at a period sixty years earlier, under the head of tolls and customs, was £10 for the half year; the ferm of the vill of Whitby in the first of these rolls standing at £3 : 8 : 8, and in the other two at £3 : 5s. But I do not take this sum as equivalent to, or inclusive of, the "burghmales" or "burmells" noted in the preceding extracts, because the terms of the grant to Robert de Brus and his associate are such as to preclude any such conclusion being arrived at. Indeed the

terms employed prove absolutely that the burghmales are not included in the tolls and customs.

Now several matters are suggested for notice and consideration in the entries or extracts thus cited.

In the first place, while we notice the evident existence at the very close of the fourteenth century of the system of letting out to farm divers of the sources of the Conventual revenues, we have to notice also that in 1460 the united sum of "burmells" and of tolls and customs only amounts to £7 : 2 : 7, as against £20 in 1394-95. And this circumstance, as well as what is meant by "burghmales" or "burmells," may very well claim a measure of attention and inquiry at our hands; and perhaps it may be expedient to begin with the last.

I remember being struck with the form and application of the word when I was busily engaged with the preparation of the second volume of the *Chartulary*, and collating with it the term "brennyngmale," which I had met with in some writings connected with the manor of Wilton, near Redcar. There were two local sources of revenue to the lords of the said manor so designated; and as connected with another like or analogous payment called "turflad" (?=turf-load or turf-leading), I had no doubt it meant an impost, levied in some form or other, upon fuel or material for burning.

The word "male" or "mail" has, however, practically long been obsolete in this country, its only manner of survival seeming to be limited to the half-technical compound "blackmail." Halliwell gives this as an "archaic" word, and defines it by "rent or annual payment formerly extorted by the border robbers." And it seems as if it were hard to keep the ideas of "rent" and "payment exacted" apart. Jamieson, in his *Scottish Dictionary*, does so by giving the first meaning for "mail" or "male" as "tribute, duty paid to a superior"; and the second and third as "rent paid for a farm or possession, or for a house or anything of which one has the use." Under

the first, moreover, he gives the illustration "burrowmailles, duties payable within burghs."

Now it is quite clear that in "burrowmailles" we have our own word "burghmales" or "burmells" reproduced, and only very slightly disguised in form.

But before following this out to its corollaries or consequences it may be desirable to bestow a little more consideration on the term "mail" or "male" itself in the connection it certainly once had in England (and not only Northern England) at one period of England's economic history. There can be little or no doubt that, in Vinogradoff's words, "etymologically there is reason to believe that the term *mal* is of Danish origin; and the meaning has been kept in practice by the Scotch dialect." And there is equally little doubt that its use in the way of describing certain of the obligations which lay upon the holders of lands and tenements towards those of whom they held—the obligation of an equivalent payment, or, in one word, rent—is equally old and well understood. Thus, to cite another sentence or two from Vinogradoff: "Our manorial authorities often mention *mol-land* and *mol-men*. The description of their obligations always points one way; they are rent-paying tenants who may be bound to some extra work, but who are very definitely distinguished from the 'custumarii,' the great mass of peasants who render labour services. Kentish documents use 'mala' or 'mal' for a particular species of rent, and explain the term as a payment in commutation of servile customs." Correlate with this a sentence from Ashley's *Economic History* (i. 23), and I think we shall have a fair show of the way in which "mal" or "mala" was used and understood in the olden days: "In the reign of Henry I. all the manors of the Abbot of Burton were already divided between *demesne*, land *ad opus*, and land *ad malam*"—that is, land held at rent in contradistinction to land held by or on condition of work-service. "The tenants *ad malam* were free from week-work, although they

might be, and were, under obligation" (as the *bondi* and *cotarii* of the outlying townships of Whitby were) "to lend their ploughs twice a year and assist at the hay and corn harvest according to the extent of their holdings"; or, as Mr. Ashley expresses it on the preceding page, "they continued to provide their lord with labour at those seasons when it was most needed."

"Males" or "mells" then signified payments made by tenants of lands or tenements to their lord of the nature of what we call rent nowadays: even if we are unable to use the word in its unqualified sense.

But in the case under consideration the simple word is qualified by the prefix "burgh" or "burrow" set before it; and this qualification imports that the payments of the nature of rent were made in connection with, or depending upon, the "burgh" of Whitby.

Now we observe that in Henry the Second's Charter of Grant and Confirmation to the Convent of Whitby—a charter apparently quite unknown to Young as well as to Charlton, but which is printed now in the *Whitby Chartulary* as No. 581—the terms employed are: "Concedo etiam et confirmo prædictæ Ecclesiæ in eadem villa de Witebi burgagium, et feriam ad festum S. Hildæ, cum soca et saca, et tolle et team et infangenethef," etc. ("Also I concede and confirm to the aforesaid Church within the said vill of Whitby, burgage, and a fair on St. Hilda's day, with soc and sac," etc.)

Now this is the earliest mention of the royal concession of burgage in connection with Whitby. The grant is made to the Abbot and Convent, be it noted, not to the vill of Whitby directly, or even at all; and it may very well antedate, and for various reasons I think that it assuredly must and does antedate the much-vexed grant by Abbot Richard de Waterville.

But however that may be, it is expedient for us to obtain a clear conception of what is meant by this "burgage"

(*burgagium*), which, whatever it meant, the Abbot just named intended to grant to the men, or some of the men, of Whitby.

Let us first notice the terms of the grant or charter conveying it, which has been not only badly mistranslated, but almost as badly misconceived and misrepresented. I will first give an exact copy of the terms used in the grant itself, and then append as literal a translation as can be made: "Sciant omnes . . . me (Ricardum Abbatem Witebyensem), assensu totius Capituli mei, dedisse et concessisse in perpetuum Wytebyam in liberam burgagiam, et burgensibus ibidem manentibus libertatem burgagiæ, et leges liberas, juraque libera; quietationem etiam in Wyteby et extra Wyteby in universis et de universis ad Ecclesiam S. Petri et ibidem Deo servientium pertinentibus, communemque pasturam: quatuor vero vias intrandi et exeundi ad burgam[1] liberam et quietam de omnibus consuetudinibus, de unaquaque tofta reddendo pro universis servitiis, annis singulis, v denarios." ("Know all men that I (Richard, Abbat of Whitby), with the assent of my entire Chapter, have given and granted Whitby into (or unto) free burgage,[2] and, to the burghers there abiding, liberty of burgage,[3] free laws also and free rights; quittance likewise within Whitby and without in all matters, and touch-

[1] It is quite obvious that here and on the next page "burga" can only be synonymous with "town."

[2] The expression in the original is altogether significant. It is not that Whitby is "given" or "conceded" to any person or power, but the town is given "into" or "unto free burgage," the idiom being exactly coincident with the Scripture (and other) expressions "sold into bondage," "brought into bondage," "sold into slavery," and the like, where the preposition expresses the object or purpose of the selling or delivering, not the effect, or the mere fact.

[3] The grant of the burgage-liberty is restricted to the residents in Whitby, which is another point to be attended to; and it is by no means unimportant, as describing or qualifying the expression "libertas burgagiæ." It is even possible that this phrase may be regarded as bearing a sense intentionally inconsistent with the ideas connected with the phrase "liber burgus." It seems exceedingly difficult to exclude the idea conveyed by the use of the word "burga" as equivalent to the later English word "town."

ing all matters, appertaining to the Church of St. Peter and the servitors of God therein,[1] and common pasture as well: four roads, moreover, whereby to enter or depart from the burgh free and quit of all customs: on condition of their rendering from every toft 5d. yearly for and in lieu of all services whatsoever.")

Charlton's (mis)translation is "that I have given and granted to Whitby for ever the privilege of being a free borough town"; entirely ignoring the circumstance that Whitby itself is the subject of the grant, and by no means the recipient of it. In the next sentence, however, certain recipients are named; that is to say, the *burgenses* abiding (that is, living or dwelling) in Whitby—the limitation is noteworthy—to whom is given liberty of burgage, free laws and free justice. But what does this amount to? More surely could hardly be claimed under such terms than were claimed in the cases of York and Beverley during the reign of the first Henry. In either of these places the *burgenses* had (what the Whitby folks had not) their own *hans-hus* ("guildhall" of the south), the direction and control of their own *statuta*, or the bylaws and written customs of the borough; and freedom from toll throughout the shire, together with free entrance and exit to and from the burgh. "Further than this," says Bishop Stubbs, "the charter does not go." Nor could it at Whitby, where even the gild-house is not extant.

As regards the charters to boroughs granted by Henry II. the same great authority says: "The grants of these charters, not very profusely granted by this monarch, are not much in advance of those of Henry I."

[1] It is here that the Abbot appears to be acting in excess of his powers. What the king's charter conveys to him has to do with things temporal, and things temporal only. What the Abbot would concede here trenches on matters ecclesiastical. He is alienating, as far as the language employed goes, some of the peculiar ecclesiastical privileges conferred upon the Abbey like unto those bestowed on Beverley, Ripon, and York. It is therefore the weak point in his charter.

But let it not be forgotten that these liberties and privileges, scanty or superficial as they may, on such examination, seem to us, are still the liberties and privileges conceded at the outset to "burghs" or towns, which afterwards became great and important boroughs. I have, for instance, a copy of the original charter of the burgh of Liverpool lying open before me, and what is granted in the concession that it shall be a "liber burgus" is very little in advance of what is mentioned in the Whitby grant. But what is noticeable as to both Young and Charlton is that they overlook the comparative unimportance, or rather, gratuitously assume the comparative importance of Whitby at and about the time when this much misunderstood grant was made. Let me call attention to the somewhat remarkable statement made in what follows, and the inference deducible from it: "Although nowadays the idea of a port at Coatham seems preposterous, in the Middle Ages Coatham and Yarm were the only two ports in Cleveland. In 7 John (1205-6) an account was rendered to the Exchequer of the *quindena* or fifteenth part of the goods of all merchants throughout the kingdom, granted to the crown. To this Coatham paid 16s. 11d. when Whitby only paid 4s." (*Guisborough Chartulary*, vol. i. p. 119 n.)

This surely is a curious picture for the contemplation of those who hold that "before the year 1189 the town of Whitby had become so considerable that Abbot Richard granted his charter for erecting it into a borough, with privileges similar to those conceded to other boroughs about that period." Would it not be as well to remember that "borough" is modern English, and that even "burg," "burgh," a town, is but a survival from a still older word—older both in form and sense—viz. "burh" or "borg," meaning a strong or fortified place, a castle or fort? Not that Whitby was ever so much as that.

The comparison as to mercantile status between Whitby and Coatham is illustrated by considerations such as are ex-

pressed in the following extract from Mrs. Green's weighty book on the English Town (vol. i. pp. 10, 11): "Our modern towns can almost all trace back their history into the obscurity of a very distant past; but their record, as we find it in Domesday, or under the Norman kings, is simply that of little country hamlets, where a few agricultural labourers gathered in their poor hovels, tilling by turns their lord's land and their own small holdings; or of somewhat bigger villages which lay at the branching of a great road, at a river ford, or at a convenient meeting-place for fair or market, and thus grew into some little consequence as the centres of a small local trade; while along the coast a few seaports were just beginning to draw merchants with their wares to a land that had long been almost forgotten by the traders of the Continent. It was not till the twelfth century that our boroughs began to have an independent municipal history—from the time, that is, when the growth of the wool trade under Henry I. gave them a new commercial life; and the organisation of local government under Henry II. opened for them the way into a new world of political experiment and speculation." And further yet a few sentences: "The biggest boroughs could probably in 1300 only make a show of 4000 or 5000 inhabitants, and of enfranchised burgesses a yet smaller number; while the mud or wood-framed huts with gabled roofs of thatch and reeds that lined their narrow lanes sheltered a people who, accepting a common poverty, traded in little more than the mere necessaries of life. It was not till the middle of the fourteenth century that the towns, as they entered on a larger industrial activity, began to free themselves from the indescribable squalor and misery of the early Middle Ages; but from this time forward we begin to detect signs of stirring prosperity, at first under the guise of a frugal well-being, and later carrying its luxury with happy ostentation. . . . And while the bigger boroughs were thus enjoying their harvest of blessing and fat things, the small seaports and market-towns

also gathered in their share of the general good fortune by which all England was enriched." Can more be said for Whitby than that it was a very "small seaport," and hardly a market-town? We shall see.

In the nearly following pages the author goes on to instance the cases of Colchester, Bridport, Rye, etc. For the purpose of illustrating our own subject we may turn for a moment to the Bridport statistics: "In 1319 Bridport, with its 180 burgesses, could not, at a view of arms, or muster of fighting-men, produce a single burgher who bore bow and arrows, and sent out its motley regiment equipped with the universal knife or dagger, or, as it might chance, with staves, hatchets, pole-axes, forks, or spears, while an aristocrat or two actually bore a sword. Only 67 burgesses out of the 180 paid taxes, and the general poverty seems to have been extreme. The richest man had one cow, two hogs, two brass platters, a few hides, and a little furniture—the whole worth £4 : 8s.; and one of the most respectable innkeepers of the place owned two hogs, two beds, two table-cloths, two hand-napkins, a horse, a brass pot, a platter, a few wooden vessels, and some malt. In 1323 things were a trifle better; for 80 persons were then taxed, the property of some of them being valued only at 6s., and this under a system in which the whole of each man's possessions was exactly reckoned up—his cards, yarn, shoes, the girths he was making or trying to sell, even his store of oatmeal."

Now, as regards Whitby, its "burgenses ibidem manentes," the number of them, and their comparative capacity to bear taxation in 1301-2, we have a return which, while it lacks the minute details afforded in the preceding extract, still admits of a kind of comparison with it. This return also was formulated on a precise system. While it excluded poor men or women the value of whose goods did not exceed 40d., it took account of all "the movable goods of those in better circumstances"; and, as to time, "just after harvest was

gathered in, inclusive of their corn crop, their plough teams, sheep, cows, swine, studs, draught-horses set apart for wainage, and other goods and chattels." These were to be valued by sworn assessors, and the fifteenth part of their estimated value was to be payable to the king on the special occasion of the marriage of his daughter.

At this date, and according to this record, the goods, movables, or personalty of the richest man in Whitby were valued at £15; the next wealthiest man had goods to the value of about £11 : 10s.; then comes one of nearly £9 : 10s.; and then under a half-dozen who owned movables worth £7 to £8 each. Several were assessed whose property was worth 7s. 6d. and up to 10s., and the great bulk are set at a little over or a little under £3. The total number of persons assessed was precisely 96—probably all residents in the place, and masters of households.

Assuming this to have been the case, the near approximation of the number of habitations in Whitby in 1301 and in 1540 is perhaps rather more than singular—96 in the very beginning of the fourteenth century, "well on to 100" a little before the middle of the sixteenth (see p. 192).

But this coincidence is not so singular, nor even so much to our purpose, as is another corollary deducible from the record under notice. At hardly any period in the English history did the personal names of what, without much abuse of the terms, we may call the lower and incipient middle classes tell their own tale with greater emphasis and distinctness than about the beginning of the fourteenth century. This memorandum of the collection of the Fifteenth in the Wapentake of Langbargh, from the record of which only we are quoting, gave up no less than 1500 to 1600 personal names, out of which as many as 75 were derived from the calling, trade, or profession of the bearers. Many of these names recurred again and again, as a matter of course; indeed, as often as the callings or trades repeated themselves in the

various vills of the Wapentake. Thus every vill almost—for nearly all were more or less agricultural—had its "præpositus" (foreman, hind, reeve), not a few of the larger ones had two. In the same way carpenters, carters (carettarius, careter, carter), blacksmiths (marescalli, or shoers of horses), smiths (fabri, workers in other materials as well as in iron), masons, tanners, shepherds, and herds of half a score different kinds of stock, and the like, abounded; while the appellations of a vast variety of workers in divers arts and crafts, long since more or less obsolete, helped to swell the list; by-names, pet-names, nick-names (witty, coarse, or indecent) furnishing a very noticeable contingent.

Of course, on coming to Whitby Liberty, and the vill of Whitby itself, I scrutinised the list of 96 personal names with considerable interest, rather than with curiosity only. I expected to find the names of men connected with the secular business of the Convent; of men belonging to some branch or other of the businesses connected with a sea-faring life, and its manifold and multifold requirements; of men connected with commerce, trade, the minor avocations of sale, barter, and purchase. But there is not a single mercator, or marchaunde, or chapman, or mercer in the list. Neither is there any master of a fishing vessel or trading vessel. There is a grocer, a brewer, a barber, a fellmonger, a baker, a bricklayer, a taker of toll, a porter, a cobbler, and a goldsmith. It is true that, near upon one hundred years later, there were eight or nine men in Whitby owning fishing vessels, and paying about 30s. or up to £3 severally, as tithes of their catches, to the Convent; and this besides three smaller boats engaged in lobster-fishing, and paying from 15d. up to 2s. each, on the score of tithes; but in the year 1301 there is no evidence of any fishing trade deducible from the records which remain.

There is, however, in this list of names we are considering, one little piece of inferential evidence as to manufacture, if not trade or business, to which a measure of attention should

be given. Among the other names I find Richard le Teler, Nicholas le Teler, and Henry le Teler. I find also John le Fulur, Roger Tinctor (or dyer), Thomas Tinctor, and, besides these, a John Fleming. The Telers, in plain English, were websters; the Fulur was a fuller by calling; the Tinctors were dyers, or, in the vernacular of the north, "litsters"; and the Fleming a man whom it would be very hard to dissociate from the telers, fulur, and tinctors. In the year 1327 the king issued a mandate ordering, among other things, that every man and woman might make cloths as long and as short as they pleased; and that, in order to encourage people to work upon cloths, he would have all men know that he will grant "suitable franchise to the fullers, weavers, dyers, and other cloth-workers who live mainly by this mystery, whenever such franchises are asked for." But "previous experience had already made it clear that for the making of the finer sorts of cloth, and cloth of richer and more varied dyes, Englishmen did not yet possess the necessary skill. The government of Edward III. saw that if England was to do without Flemish cloth, Flemish workmen must be brought over" (Ashley, Part II. p. 195). Hence resulted the systematic "importation of foreign skill." In other words, the Fleming was, as a matter of state policy, to come to England and make his abode there, bringing with him the craft and skill he had now for a length of time been famous for exercising at home.

Yes, but that which in 1327 we read of as done systematically, by state authority or as a matter of national policy, not only might have been done in the way of what we should call "speculation" as early as the year 1300, but we know actually was so done; and earlier far than just at that date. This is a fact so well known and generally recognised that it hardly seems necessary to support the statement; and it must suffice to mention that a writ of Henry III. enacts that no one was to make cloth in the county of York save only with the consent of the weavers of that city. So early, and indeed

very much earlier yet, had it been thought expedient to bring the art and mystery of wool-working within the controlling limits of state enactment.

So then I do not look upon this collocation of telers, tinctors, fulur, and Fleming at Whitby in 1301 as merely fortuitous, or as conveying no intimation, or even distinct information to the student. On the contrary, I look upon it as pregnant with suggestion of at least inferential conclusions.

I am unable to forget Mrs. Green's graphic reference to the actual condition of the early mediæval town; of the "mud or wood-framed huts with gabled roofs of thatch and reeds that lined their narrow lanes, which sheltered a people who, accepting a common poverty, traded in little more than the mere necessaries of life." For that, I take it, is a faithful picture of the true condition of Whitby at the time when, according to Charlton and Young, "by this charter of Abbot Richard's the town was to be a free borough for ever." One hundred and twenty years later it had risen, as we see, to be a town with ninety-six householding people in it, the entire value of whose united movable goods and chattels was estimated as being under £245; the personalty of the wealthiest among them not exceeding £15. With these figures and facts before our eyes, it is almost as easy to suggest the answer as it is to start the question, "When only such was the development attained after a century and quarter of natural growth and progression, what must have been the condition at the commencement of that period; and even on the supposition that the policy of the Convent had been not (as represented by both writers named—the latter especially) antagonistic and repressive, but helpful and fostering? And, in reality, as I am inclined to think, this latter was the line of policy adopted by the Conventual body towards the as yet totally undeveloped town: as indeed was but natural.

But without dwelling on the inevitable answer to the query just now suggested, it may not prove an unprofitable

diversion to return to the terms of the grants made by King Henry the Second in the first place, and by Abbot Richard de Waterville in the second. In virtue of his Royal authority the king concedes to God and the Church of St. Peter and St. Hild of Whitby, and to all men belonging to the said church, all liberties and customs whatsoever such as are possessed by the churches of St. John of Beverley and St. Wilfrid of Ripon, in their lands and their men. "I grant and confirm, moreover," the charter proceeds, "to the aforesaid Church in the said vill of Whitby, burgage and a fair at the feast of S. Hild, together with sac and soc, and toll and team and infangentheof; and that all comers to the said fair shall have my firm peace, with all their goods, both coming and going."

We note that the king is the grantor; as also that he is such in virtue of his authority as king, his "regia auctoritas." Here we have what Bishop Stubbs (*Select Charters*, p. 44) styles "the power based on the doctrine that borough-privileges were the gift of the crown, and their status historically that of royal demesne." Next we note that the grant is not only made to the Abbot and Convent, but that the said grant is of "burgagium in villa de Witebi." No "burgagium," then, up to the time when this grant took effect could have previously existed in Whitby. "Its internal condition (that of the said vill) was but that of any manor in the country; the reeve and his companions, the leet jury, as it was afterwards called, being the magistracy, and the constitution being further strengthened only by the voluntary association of the local guild, whose members would naturally furnish the counsellors of the leet" (*ibid.* p. 41).

I daresay some of my readers, besides recalling the glance at the group of "agricultural labourers gathered in their poor hovels, tilling by turns their lord's land and their own small holdings," may be reminded of the *tûngerefan se ðe his ealdorman wæs* of the A.S. version of the Caedmon story, and picture for themselves the reeve and his companions, of

the middle and nearer the close of the twelfth century. But as to the local guild, there is a dearth of absolute information, and we must be content with assuming the probability that there may have been some organisation of the sort in Whitby in and indeed before these early days. The history which lies latent in old field and other local names reveals to us the fact that there was a "gildehus" between Ellerby and Hinderwell, another in or near Linthorpe, a third in Hackness, a fourth in Fyling Dales, a fifth in Hutton Locros, others in Ingleby Greenhow, near Welburn, and so forth; and quite possibly it might be more risky to assume that there was nothing of the sort at Whitby than that there was. But that is nearly all we can suppose the "internal condition" of Whitby to have been when Henry II. gave "burgagium in Witebi" to the Abbot and Convent some few years before the close of his reign.

But, continues the authority from whom the last extracts have been made, "the towns so administered were liable to be called on for tallage at the will of the lord, and the townsmen were in every respect, except wealth and closeness of organisation, in the same condition as the villeins of an ordinary demesne. The first step taken in the direction of emancipation was the purchase by the tenants of the *firma burgi*—that is, the ferm of the dues payable to the lord, or to the king, within the borough. . . . The grant of the ferm was accompanied by, or implied, an act of emancipation from villein services; and the recipients of the grant were the burghers, as members of the leet or of the guild, or in both capacities. The burgage-rent was apportioned among the houses or the tenements of the burghers, who thus became tenants in burgage, and on an equality with tenants in free and common socage."

Now this, as I read it, appears to describe the condition of the *burgenses* or burghers—I avoid the later word "burgesses"—of Whitby with considerable nicety,—I mean, subsequent

to and under the grant of the Abbot Richard. The burgage-rent was apportioned, but evenly, among the houses or tenements of the burghers, who thus became tenants in burgage, and on an equality with tenants in free and common socage.

Only, the Abbot retained the *firma burgi*, the "ferm-rent," in his own hands; and it is on this, as I think, that the peculiarity of the Whitby case is found to depend. No part of the *firma* goes into the king's treasury, and as apportioned among the houses or tenements of the burghers, it was fixed by the Abbot himself, and not reapportioned among the burghers as they saw fit. And I think that this is a matter, especially as taken in connection with one or two other considerations suggested by terms employed in these old charters and the conclusions dependent on them, which requires deliberate attention at our hands.

In the Foundation charter, in others reproducing it or confirming it, in the "Memorial of Benefactions," among the first or primary matters granted is "Portum maris," the seaport of Whitby; and in early royal confirmations this grant is fully specified as confirmed, and (to give but one instance, taken from Henry the Third's Confirmation [*Chartulary*, ii. p. 496]) with remarkable distinctness: "Concedo etiam et confirmo prædictæ Ecclesiæ Portum maris cum alga per totam terram suam, cum tol et theam, et cum omnibus libertatibus et consuetudinibus ad portum maris pertinentibus." ("Likewise I grant and confirm to the aforesaid Church the Seaport, with the seaweed, throughout its territorial limits, together with toll and team, as well as all liberties and customs to a seaport appertaining.")

Yes, but toll and team, no less than harbour rights, liberties or customs, presuppose some organised system of collection. If there was a privileged or recognised port, important or non-important, there must have been a special port-officer or official,—a "port-reeve," whether designated by that title or some other equivalent to it. And the terms "toll" and "team" imply the same conclusion. A toll or (as Bishop

Stubbs interprets it) an impost or "duty on imports" would be absurd were there none commissioned to levy it, while team = "the right of compelling the person in whose hands stolen or lost property was found to vouch to warranty, that is, to name the person from whom he received it," would present a more grotesque absurdity still in the absence of all judicial forms or forces capable of giving it effect.

The fact, then, of the "portus maris" as antedating the first endowment of the Abbey of Whitby (or before 1075) is by itself sufficient to convince us that some sort of civil organisation existed in Whitby as early as the Conquest, and therefore, as I think is generally conceded in the sequel of such conclusion, before the Conquest. That this was indeed the case at Whitby in the days of Danish supremacy, the simple survival of the name of the Thingwal court is quite enough to assure us as regards the period covered by the Danish supremacy. What modifications had resulted between the days of the Danelagh and the days immediately preceding the Conquest there is no evidence to show, and especially with any precision. I hardly think that what Mrs. Green (i. 169) characterises as "the perplexities that beset the humble communities who first tried to solve the problem of how a society of freemen could best rule themselves" could be very operative in the experience of Old Whitby. But still, in the sentences which follow the one just quoted, considerations are suggested which may be greatly helpful to us in the survey we are endeavouring to take of Whitby at and near the time when Henry's grant to the Abbot and Convent of burgage in Whitby, with the additional concession of sac and soc, tol, team, and infangentheof, was newly made, and closely followed up, as it undoubtedly was, by Richard de Waterville's concession of Whitby "into burgage," and of free laws and free rights to the burghers. "In the early 'communitas' of the village or town out of which the later chartered borough was to grow—a community which possessed common fields or

customary rights of common over surrounding meadows, and which had doubtless found some regular system for the management of its own affairs—the obvious course was to count as the responsible men of the township the land-holders who had a share in the common property. . . . Those who owned a house and a certain amount of land measured according to the custom of the burgh formed the society of burghers, and to the townspeople the definition of law was the 'will of the majority of those who have the property in land.' . . . But such simple conditions of life, only possible in a stationary agricultural society, disappeared when industry and commerce brought their revelation of new standards of prosperity."

But it is in a note on the words "had the management of its own affairs" in the foregoing extract, that the writer brings out more fully the corporate character of the old rural or agricultural community as it concerns us at the present place, by adverting to the election and appointment by the agricultural tenants and labourers on a manor of an official whom she names the "provost," usually in Latin styled the "præpositus," but in the English of the thirteenth and fourteenth centuries (as I am inclined to think) called the "foreman" rather than "reeve"; although "grave" was certainly of old in use in this district in the sense indicated. There may be some uncertainty as to the manner of his appointment, or rather as to the joint nature of his induction into office; but there can be none as to his official character and authority, or the sources from which the latter was derived. He was emphatically the representative of the community to the lord, as well as of the lord to the community, and he owed his position and operative influence to the concurrence of the two parties. But what is this but saying in other words that an actual and energising community was in active existence?

Recalling what has been set forth in the preceding paragraphs, we cannot help noting that Whitby, even up to the end of the thirteenth century, and much more evidently up to

the last quarter of the twelfth, whatever it had been in the Confessor's time, must have been a place of but little importance, if we take under review the circumstances and conditions which make for the eminence or distinction of any town or village. It seems to have been without much in the way of trade, without what is designated by business. It was of a low estate as regards population, and it seems to have had no stay or support, nothing to depend upon save that which originated in agriculture only. And it should be noted that in expressing views of this kind no such utterance of opinion is ventured as is advanced by both Young and Charlton, especially the latter. At the time of the Dissolution even, he thinks that "the whole town, consisting of thirty or forty houses, contained in it not more than 180 or 200 inhabitants" (p. 288).

I do not think, then, that it could have been on account of the importance, growing or grown, of Whitby, that Abbot Richard de Waterville obtained the charter granted by King Henry II., or availed himself unadvisedly and mistakenly, as it eventually proved, of the concessions and authorisations made to him and his Convent (as he appears to have assumed) in virtue of the charter in question. And if the action taken was not due to or induced by the importance of the town, what other considerations could there have been, influential enough to induce him to take the steps he adopted, first in obtaining the royal charter (which we may be quite sure was not a free, unsolicited grant, nor conceded without the usual acknowledgment from the grantee); and second, in applying the powers conceded and the grant made in the way in which they actually were employed by him?

The question is, I think, one of those the answer to which is best suggested by a contemplation of what, in point of fact, really seems to have been accomplished.

There is reason, as it will probably be considered after reading the foregoing pages, for concluding that there was

some sort of town or secular organisation extant in Whitby at the early date assumed, partly connected with the port, and partly with what must be inferred as the condition of the place relatively to the methodised cultivation of the soil. What the said organisation was precisely, it is impossible to say; the data are too indefinite for a satisfactory induction. Possibly, though scarcely likely, there were two independent organisations. Perhaps, and with more show of likelihood, one only, amalgamating the interests of the two sections of the townsfolks.

Certainly the fact that numerous tofts existed at the date of the Abbot's charter is sufficient to show that a large contingent of the population had no long time since, and almost certainly up to the time then present, held under arrangements of an agricultural complexion, if not in direct agricultural connection. It is not unlikely that they had held "cotaria" or "bondagia," as unquestionably the tenants on the Conventual estates in the outlying and dependent townships did; and by the transmutation of the old accustomed labour-services, due under the ancient system, into the fixed and most moderate burgage-rent of 5d. per toft (whether *ædificatum* or *non-ædificatum*), which I look upon as the practical end and object of de Waterville's concession of "Whitby into burgage," a great change in the status of the townsmen, the "burghers" in that sense, was effected for good. In some cases, no doubt, whether more or fewer, some small additional acknowledgment might be required. Thus Young, speaking of the burgage-rent, which he says was "anciently called *toft-rent*," mentions "two fat hens at Candlemas," which had to be rendered for a toft in Whitby in addition to the stipulated sum of 5d.; a tribute which will immediately remind us of the fowls and eggs which each tenant in the out-townships was bound to supply over and above his money payment, and his "precationes" or "love-boons." But, at the same time, it should not pass unnoted that the burgage-rent of 5d. per toft was, as

regarded in the light of an equivalent, or of a rent equivalent, to the value of the toft, altogether inadequate; in other words, that the boon conferred on the burgher by such a concession on the part of the Abbot and Convent was a very considerable one indeed. This appears very conspicuously in the charters numbered IX. to XIX. in the *Whitby Chartulary*, from which we have seen above (p. 174) that even a half-toft could be and was made chargeable with annual payments of 4s. or 5s. a year, besides "the burgage of the Lord Abbot of Whitby"; of course still leaving it very well worth the holding.

I think it will hardly be found to derogate from or weaken the view taken in the foregoing paragraphs if we subject the remaining part of the Abbot's charter to an examination of the same kind as that which has been given to the former part. After fixing the burgage-rent to be paid thereafter at 5d. per toft, the document proceeds: "Si quis autem terram suam vendere voluerit, primitus hoc Abbati ostendere debet et ei terram si eam emere voluerit vendendam offerre pro tali rationabili pretio quale alius ei pro eadem terra dare voluerit. Si vero eam emere noluerit, consilio et consensu ejus eandem vendat. Emptor vero terræ consuetudinem ad saisinam iv denarios dabit, et i denarium burgensibus ad beverage. Et si aliqua querimonia inter burgenses oritur tribus vicibus unus alium ut sibi rectum et quid juris est faciat apud domum propriam requirere debet. Quod si sibi in tertia petitione satisfacere noluerit, demum justitiam villæ rationabiliter ut rectum faciat quærat. Tresque in anno sint eis placitorum institutiones: prima post Epiphaniam, secunda post Pascha, tertia post festum S. Hildæ. Quod si aliqua querimonia infra prædictas institutiones se emerserit, et determinari intra easdem non possit, sine dilatione ad primam institutionem terminetur." ("Should any one wish to sell his land, let him in the first place signify the same to the Abbot, and offer the land intended for sale to him, setting such a reasonable price upon it as any one else would be disposed to give for it.

Should the Abbot decline to become the purchaser, the vendor should part with the same with the Abbot's consent and advice. But the purchaser of the land, on receiving seisin of it, shall make a customary payment of 4d., with 1d. to the burghers 'for beverage.' In the case of any cause of complaint or grievance arising between burghers, the one must consider himself bound to call upon the other, at his own proper dwelling-house, to do to him what is lawful and right. But should the latter, after three such requisitions, refuse to give satisfaction, then finally let the first invoke the justice of the vill, that right according to what is reasonable be done. And there must be three special terms for pleas in the year; the first after the Epiphany, the second after Easter, the third after the Feast of St. Hild. If case of question evolves itself within the three terms aforesaid and cannot be settled without, let it be determined without delay or postponement at the first term that ensues.")

Now there are several points herein involved, neither of which is such as to permit it to be ignored. And first, if any one desires to part with his land—the toft or half-toft, or what not, held by him—he is bound to give the Abbot the refusal in the first place. Here, unless we bear in mind that all the tofts, many or few, are held of the Abbot by an annual burgage-rent, a misapprehension may arise at the outset. A man could sell his interest in the land, toft or half-toft, but not the land itself. It was not his to sell. And the Abbot could become the purchaser of such interest, and part with it again immediately after in the way of sale, grant, or fee-farm. Illustrative instances of either kind may be seen in one or other of the eleven documents referred to a little above. But as to the ownership of the land itself, that remained unaffected by any of these bargains or arrangements. In point of fact the Abbot himself (as has been remarked in another place) was not absolute owner of so much as 1 inch of the 20,000 or 30,000 acres of land which belonged to the Whitby fee. He

held it in frank-almoigne, it is true, but he held it subject to the confirmation of each successive king, to say nothing of each successive heir in the great descent of the Founder's family. In plain terms, he could not alienate a single foot of the patrimony of his church. The contemplated sale by the tenant or occupying burgher, and the optional purchase by the Abbot, *must* be regarded as subject to these conditions.

Another point imperatively claiming attentive consideration is the fact that the Abbot himself prescribes the manner of procedure in the case of any "querimonia" originating between or among the burghers, and ordains the three "institutiones placitorum," and the terms at which they were to be held,—a proceeding entirely inconsistent with the idea that he intended to divest himself of the authoritative jurisdiction in and over the vill handed over to him by the founder, and confirmed to him by every king in succession subsequent to the date of the foundation. He had been effectually and in very deed the lord of the manor from that day to the date of this special charter, and there is not a phrase or a word in it tending to show that he contemplated abrogating or resigning so much as a tittle of the rights and powers thence accruing to him. On the contrary, the terms of the charter to which reference is in these sentences made, show the absolute converse of any such intention.

But there is still another point which may by no means be left without notice, for I believe it involves a conclusion of no small interest in the discussion of the topics dealt with in this Section. I refer to the expression, "unum denarium burgensibus ad *beverage*." The word italicised struck me as remarkable nearly thirty years ago when I was busy over the first copy I took of all the documents contained in the Abbot's Book, and it has never lost its interest to me as a lover of old words and phrases. But its occurrence in this particular charter much more than doubles the interest of that sort belonging to it. Its interest from the philological point

of view is eclipsed by its interest as a word with history involved in it and its use. On turning to the great *Philological Society's Dictionary* just now, I find it described as now a "dialect" word, and defined as "A drink, or drink-money demanded on certain occasions, as, *e.g.*, from one who for the first time wears a new suit of clothes," etc. The first reference as to usage is to Bailey, 1721, who gives the phrase "*To pay beverage*, to give a treat upon the first wearing of a new suit of clothes." The next is to Johnson, 1755, who gives "*Beverage*, a treat at first coming into prison." And the third and last is to Jamieson's *Scottish Dictionary*, which I reproduce from the book itself: "The *beverage* of a new piece of dress is a salute given by the person who appears in it for the first time, more commonly by a male to a favourite female. One is said to 'gie the beverage,' or to 'get the beverage'; as 'She gat the *beverage* of his braw new coat.'"

These definitions and illustrations are sufficient to give a good general idea of the usage and sense, as it is commonly employed, of the word we are pausing over. Let it be kept in mind that by the terms of the charter the new burgher, who has become so by purchase, on receiving seisin of the qualifying toft bought by him, not only pays the *consuetudo*, or customary charge of 4d., but adds the further payment, made to the burghers, of 1d. more on the delivery of the seisin and his first entrance or institution among the body he now belongs to. Put side by side with this, "The word *gild* is also sometimes used for all the rights of membership, though more frequently for the meetings of the society, especially for the solemn gatherings once or twice a year" (Ashley, i. 73); the note given by the author thereto being, "Hence the odd phrase, 'bevre (=boire) gilde markande'" (quoting Gross's book on Gilda Mercatoria).

"The odd phrase." But to the student of Old Whitby and matters thereto appertaining, the phrase is much more than merely "odd" as taken in connection with the word "beverage"

in Abbot Richard's old-world charter. By itself alone it almost furnishes an irresistible inference as to the pre-existence of at least a quasi-gild, a fraternity, a society of some sort. Had it been otherwise, some kind of definition or explanation must of necessity have been given. From the very form and fashion of the document it is absolutely certain that the term itself and all that it implied was generally understanded of the folks to whom the charter was addressed.

But this previous existence of some kind of executive, as I have termed it in what has been written above, some governing or quasi-governing body, is exactly what I have tried to show is distinctly deducible from due consideration of a series of facts and circumstances that yet remain for our study, and indeed challenge examination at our hands. Whether that "executive" was simple, or whether it was composite, an aggregate of Port and Vill authorities, is another matter, and, as already intimated, it is by no means certain that attempted investigation will end in success. But still it may be possible to offer a suggestion or two.

At the time of the Norman Conquest towns were not numerous in England, and it is by no means an easy thing in, I believe, the majority of cases to account for their existence, or indeed for the circumstances which had occasioned their rise and progress. That, in the case of Whitby, the location of Hild's Holy House had been not simply an important factor, but really the principal and prevalent factor, in the evolution of Whitby town, requires no elaborate setting forth and detailed attempts to prove. But I think that after the ruin which befell the place under the inroads of the Danish hosts, its deliberate and persevering resettlement by such sturdy colonists as the Danish immigrants necessarily were, must not be left out of consideration, nor yet taken and regarded as separate and independent of the past, or as if all that Whitby had been, as well as continued to be by position and natural advantages, had no connection whatever with the

question. The difficulty indeed would be to regard Whitby, with its historical associations and its present and prospective possibilities, as other than a place at which there were the possible "makings" of a future town. Indeed the single fact of the extant port would warrant as much as that.

But it is entirely necessary for us to bear in mind that such primitive towns as are thus assumed, antedating the Conquest, as Whitby for one undoubtedly did,[1] must necessarily have "become centres of what little trade there was. For although agriculture long remained one of the principal employments of the townsmen, yet it must early have been necessary for supplies of food to be brought from the country around. This is the most primitive and essential form of trade" (Ashley, i. 69).

Yes, but there is commerce to be thought of, as well as the tiny beginnings of an incipient home-trade. The author just quoted remarks that London and the Kentish ports were by no means in these early days strangers to commerce; that Chester and Bristol on the west coast were engaged in commerce of a sort in the tenth and eleventh centuries; while "the connection with the Scandinavian kingdoms caused by Canute's conquest, brought York, Grimsby, Lincoln, Norwich, Ipswich, and many other ports along the eastern coast, into active commercial communication with the Baltic countries." It would be hard as well as gratuitous to exclude Whitby altogether from the same category with the "many other ports on the eastern coast," and to assert that the old town had nothing to do with such matters, she being what we know she was by reason of her Thingwal. But conceding the possibility of Whitby's share in this early traffic, one wants no

[1] The Domesday notice of the status and condition of Whitby in the time of King Edward the Confessor's time, on which an argument is founded at a former page (pp. 99-101), is more than sufficient to justify this assertion. The immediate effects of the Conquest, and what followed in speedy succession, can have been nothing short of disastrous to the town, its inhabitants, and its interests.

further explanation of the ascertained actual existence of the early port.

There is no difficulty, however, in conceiving, the circumstances being such, that there might be a "society formed primarily for the purpose of maintaining the privilege of carrying on trade—a privilege which implied the possession of a monopoly of trade in each town by the brethren as against all other inhabitants. . . . The exact character of the monopoly might probably vary somewhat from place to place. Everywhere apparently non-members would be left free to buy and sell victuals." Now there is no doubt that societies of this sort had existed before the Conquest with religious and social objects, church-gilds and frith-gilds; and it is quite "possible that similar societies for the purposes of trade may have been formed equally early. . . . Such gilds may have been in existence for some time before being recognised by charter. . . . In spite of the paucity of evidence, the existence of a merchant gild can be definitely proved in 92 towns out of 160 represented at one time or other in the parliaments of Edward I. . . . It is impossible not to conclude that every town, down to those that were not much more than villages, had its merchant gild," or what, under the circumstances, I should prefer to call the equivalent which afterwards bloomed out into the gild-merchant.

Some independent reasons for coming to some conclusion of this sort in connection with this part of the North Riding have been adverted to at a previous page, and it is hard indeed, even for a moment, to entertain the idea that Old Whitby would be one of the not very numerous exceptions.

But there is still a consideration which has not been noted, or sufficiently weighed in any real measure; and it is one which cannot be lightly left altogether on one side. I mean the consideration which is involved in the following sentence from the writer just quoted, "as to the persons who were eligible for membership," and which, he says, "it is impossible

with certainty to determine." It is, I believe, clear that when merchant gilds became common the association was not either necessarily or usually one embracing a comparatively small number of persons. Even in small towns 200 and upwards might be enrolled. It is also clear that merchants from other towns were admitted. "But clearly the bulk of the members belonged to the town itself; and there are strong reasons for supposing that, of the inhabitants, only such were admitted to membership as held land within the town boundaries."

This should be specially noted, as of much importance at the stage we have now arrived at; for in the concluding part of the sentence the writer goes on with the explanatory words, "the *burgage* tenants, *burgenses*, the burghers or townsmen *par excellence*, who alone were fully qualified members of the town assembly." Cautioning his readers against assuming that these members were all merchants, he goes on with the pertinent reminder that, "in most towns, agriculture was still one of the main occupations of the *burgenses*"; but that most holders of land would find it "desirable to sell at any rate their surplus produce. The articles mentioned usually in gild documents show that the trade consisted almost entirely in the sale and purchase of the raw products of agriculture."

I think this and what has been previously alleged or suggested supplies a sufficiently plausible hypothesis as to the composition and nature of the fraternity, brotherhood, association—whether we term it "gild" or not—among whom the phrase "one penny for beverage" was familiar enough to be fully understood, and the practice implied as customary as the phrase.

Speaking generally, the men who held the tofts were the members of the fraternity. No doubt, up to the date of the Abbot's charter they had held the tofts (together with the customarily associated lands in the common fields) as tofts were held throughout the rest of the district of which Whitby

was a part, and that is in agricultural tenure. As to their social condition, their personal status, I simply and entirely disbelieve that it was, or perhaps ever had been, "servile." That they had held originally by labour-rents, but later, and distinctly before the date of this burgage-giving charter, by the payment of money-rents in part, and in part by the rendering of occasional labour services of the "precaria" or boonday description, when called for at busy times by the lord of the vill (all such payments and renderings dating back probably to the period of the consummated Danish colonisation), there can, I suppose, be little doubt; and that there were differences of circumstance rather than of nominal condition among them is almost equally certain. But as to social and actual personal condition, it is, I think, ascertained that a "cotarius" who held his cot and possibly single acre, or, as it might be, his five or six acres, a "bondus" who held his one bovate, or his fellow "bondus" who held his two bovates, or perhaps another who held in excess of two, all seem to have stood on the same platform of personal freedom and social equality.

But this is very far from postulating, or even from insinuating, that there was not another element, and an important element, in the population of the vill, the nascent town or "burgh" of the period in question. On the contrary, it is impossible not to assume the existence of a noticeable, if not considerable, body of *operarii*, or work-people of various sorts, as well as of a class analogous to that the members of which were not to be assessed because they were too poor to have movables to the value of 40d.; and besides these, yet again others who maintained a possibly precarious existence by casual labour, whether in the busier times of any fishery there was, or in any other available species of periodical or fortuitous employment.

It would be perhaps superfluous to advert at all to what is so obvious, were it not for the fact that in the Old French

deed recording the settlement of a dispute between the Abbot and Convent and the inhabitants of Whitby (dated in 1351) mention is made of a number of the burgage-holders of Whitby, and as concerned with them, of "la commonalte de la vile et burgh de Whiteby"; and again, in a second French deed of the same nature dating in 1386-87, "les burgeoises et inhabitantz la dite vile de Whiteby" are specifically named as parties concerned.

This is quite sufficient to prove that in the middle and in the last quarter of the fourteenth century a class of persons quite distinct from the "burgenses," burghers, or burgage-holders in Whitby, spoken of as "les inhabitantz," or "la commonalte [de] la vile et burgh de Whiteby," the "communitas" in the more usual Latin phrase, was not only existing but was a formally recognised constituent among the people of the place. That at least the germs of this "communitas," and possibly more, were in existence at the date of de Waterville's charter, is hardly a matter of mere surmise. How far it was composed of such as held no land in contradistinction to those who were only not free tenants; or how far their numbers may have been augmented by "francigenæ" or foreigners who flocked into England as one of the consequences of the Norman Conquest, and especially into places like Whitby with a port and at least rudimentary trade; or how far other causes may have contributed to its being or its increase, there is really nothing on which to base a probable supposition. All that can be alleged is that it was there because it must have been there.

Touching this charter of Abbot Richard's there are still a few words to be said relatively to its date, its history, and its effect. At p. 477 we find Young writing, after having previously stated that "the precise year in which it was granted cannot be ascertained," but that "Charlton dates it in 1185": "The privileges thus conferred on the town of Whitby were soon after confirmed by a royal charter; and

had no unfair means been employed to set them aside, Whitby might now have been a royal borough. . . . But the monks, jealous of their rights, repented of their liberality to the town; and Peter, the next Abbot, procured from the venal court of King John a repeal of the charter. It was in the first year of King John, in 1189 or early in 1200, that the Abbot attempted to divest the town of its newly-acquired rights. He made request to the king 'that the burgesses of Whitebi should not be allowed to use the liberties granted to them by the Abbot and Convent of Whitebi, and confirmed by the charter of our lord the king, till it was determined in the king's court whether the Abbot and Convent had power to give them those liberties.'" Only pausing to say that the request does not seem to be very unreasonable, it is necessary to add that mistake and misrepresentation are equally conspicuous throughout the paragraph quoted. De Waterville's charter was *not* soon after confirmed by a royal charter. The charter of Henry II., which conveyed the grant of burgage in Whitby to the Abbot and Convent, was issued between the years 1174 and 1178, as is positively ascertained from circumstances and dates connected with two of the witnesses. This at once shows that if Charlton's guess—for it is no more—as to the date of the Abbot's charter had any even probable foundation of verisimilitude, the said charter could not very well be confirmed by a royal charter antedating it by eight to ten years at least. But, what is more to the point still, it is the royal charter to the Abbot, and not that of the Abbot to the burgenses, which is confirmed by Henry the Second's successor on the throne, Richard I. The document referred to, or Richard's confirmation, is printed as No. 187 in the *Whitby Chartulary*, and, after repeating the terms of grant of privileges such as those enjoyed by Ripon and Beverley, it proceeds in these precise terms: "Also we concede and confirm to the aforesaid Church burgage in the said vill of Whitby, and a fair at the feast of S. Hilda, together with soc and sac," etc., exactly as in the original

grant. In the next reign, however, or in January 1201, a confirmation of the Abbot's charter was really obtained from the king, and it was doubtless in connection with this that the steps taken by the Abbot Peter, and of which such a garbled and misleading account is given by the Whitby historian in the passage quoted above, and in the note on the following page, were initiated.

Sixteen months later a second charter was granted by the same king (printed as No. 586 in the *Chartulary*), which reads as follows: "Know that we have conceded to Peter, Abbot of Whitby, and his successors, and the Convent of Whitby, that the charter of Richard de Waterville, formerly Abbot of Whitby and the Convent there, which the *burgenses* of Whitby have, and which is inconsistent with (*contra*) the dignity of the Church of Whitby, as is affirmed, shall not be confirmed by us; but we issue our mandate, and straitly command that the aforesaid *burgenses* do to the said Abbot what they are bound to do in his case in all particulars as they have hitherto fully done and were bound to do, and as well to his successors as to Abbot Peter himself."

In plain English, the question whether the Abbot and Convent of Whitby had the power to give such liberties to the *burgenses* of Whitby ("potuerunt dare hujusmodi libertates burgensibus de Whiteby") had been argued in the Court of King's Bench, and the judgment given had been that no such power belonged to them. It was not competent to them to set aside existing royal charters and confirmations.

A little attention to dates will possibly help the due consideration of facts and probabilities. Henry's charter was granted between 1174 and 1179. Richard de Waterville became Abbot between 1175 and 1177, most likely in 1176. The inference is that the grant was made shortly after Richard's accession to the Abbacy, as also, I think, that the Abbot did not suffer the new privilege conceded to him to remain very long in abeyance; that, in other words, his charter would be

given soon after he got his authorisation from the king. He makes way, however, for Abbot Peter—whether by death or cession is not known—before 1190, and King Richard, in the first year of his reign (23rd April 1190), confirms his father's grant to the Abbot and Convent; and it is not until ten years later still, that we hear of the attempt to get de Waterville's grant to the burgenses confirmed, and then with, to all appearance, and as, certainly, it was in the King's Bench decided to be, a forced interpretation put upon it. To say the least, it seems not a little strange that fully twenty years actually pass away before symptoms of misunderstanding appear to manifest themselves, and action of a hostile character is taken by the inhabitants of the vill or burgh of Whitby. For it is to be observed that it is not merely the burgenses who move in the matter: the parties acting expressly state that they are acting "pro se et tota villata de Whitebi" (on their own behalf and on behalf of all the people of Whitby).

"With a forced interpretation put upon it," I said a moment since; for that, as I cannot help thinking, is a true and accurate account of the proceedings. Because, setting aside the "quietatio" in matters ecclesiastical, which it was decided the Abbot and Convent had no power to give, what was granted to the burgenses resident in Whitby was "libertatem burgagiæ, et leges liberas, liberaque jura."

That "libertatem burgagiæ" was, in after times, asserted by the burgenses and commonalty of Whitby to be equivalent to "free borough" or "liber burgus" in its fullest sense, is fairly obvious at the first glance, and is proved beyond question by the language of the French deed of 1351, wherein the claims of the burgesses and others as to this particular are thus stated: "They allege that, according to what is said in a charter made by a certain Abbot time out of mind since, he, with the assent of his Convent, had given and granted to the burgesses of Whitby the vill of Whitby to hold as a free

borough (fraunkburgh)"; and this is the only place in which any equivalent for "liber burgus" is to be found.

Without entering upon any discussion — which indeed might seem hardly necessary—as to whether "libertas burgagiæ" is equivalent or approximately equivalent to "fraunkburgh" or "liber burgus," the present inquiry will hardly be prejudiced by an attempt to obtain as clear a conception as is possible of what was implied by the use of the term "liber burgus." And for this purpose I think the following extracts from Dr. Gross's recent book on "The Gild Merchant" will be more than a little helpful: "Pre-eminent among the privileges and immunities enumerated in the charters of the twelfth and thirteenth centuries is the grant of a free borough ('liber burgus'), a term difficult to define, because it was a variable generic conception. It comprised a vague aggregate of franchises, whose number was gradually increased in the thirteenth and fourteenth centuries. A community might lack some of them, possessed by more powerful towns, and yet be called a free borough, while, on the other hand, a simple village might enjoy certain of these liberties without being able to arrogate to itself the title, independence, and dignity of a borough."

The writer then goes on to specify the "chief among the privileges comprehended in the notion of a free borough, and often granted side by side with it," namely, "an independent judiciary," which the burgenses of Whitby never possessed; the courts there being not "under the control of officers chosen by the burgesses, but of bailiffs appointed by the lord"; that is, the Abbot. Next is noted "the fee-farm rent ('firma burgi') or commutation of tolls, court perquisites, and other town dues, belonging to the king or mesne lord, for a fixed sum of money"; these tolls, perquisites, and dues, however, always remained with the Abbot. Further, "exemptions from toll throughout the realm," which was not the case at Whitby. Again, "the right to hold markets and fairs"; a right conceded exclusively to the Abbot and Convent. "The election of

town officers by the burgesses"; such officers, however, were invariably appointed by the Abbot. "The gild merchant"; of the existence of which at Whitby there is not only no certain proof, but no proof of any kind—only a bare presumption. "The return of all writs; and ultimately the complete exclusion of the sheriffs and other royal bailiffs from all interference in the affairs of the borough"; which last two rights or privileges also belonged exclusively to the Abbot and Convent and not to the burgenses.

There is then added in a note the following rather pregnant sentence: "To these privileges may be added the right to hold lands and tenements by burgage tenure, which is generally mentioned only in the charters of small baronial towns, its existence being taken for granted in other cases." But this is Whitby's case exactly. It had originally been a "baronial town" as well as a "small town." Now, by gift of the baron, and confirmation by the king, it had become an "abbatical town," and one which followed the rule "of most of the episcopal, baronial, and abbatical towns" (Gross, i. 90).

I do not know that anything more is needed to explain the entire process of affairs connected with this much misunderstood and misrepresented charter of the Abbot Richard's, and to demonstrate the erroneous view of the same taken by Dr. Young and others. We see the grant of burgage in Whitby by the king to the Abbot, and then the admission of Whitby into burgage by the Abbot. But we see at the same time the retention by the Abbot of jurisdiction which the king had given him equally with the right of burgage, the retention also of the right and the power to nominate his various officers and officials, and certainly no cession of the rights of lordship derived from the founder's original grant. We see the charter to the Abbot confirmed by the succeeding monarch, and then, at the very beginning of John's reign we see, and as if it were sudddenly sprung on the Convent authorities, the royal confirmation of the charter to the burgenses, but under what we

are driven to call a very forced interpretation of its terms and general tenor.

This mode of procedure is twice repeated in the course of the fourteenth century, and in both cases would appear to have been baffled in the same kind of way; namely, by a reference of the matters in dispute to arbitration in either case, purely private as it would seem in the first instance, but with somewhat more of apparent officiality in the latter case. Indeed it might very fairly be described as referred to arbitration, the Earl of Northumberland, *de facto* representative, and described as heir, of the Founder (with his son and heir, and a younger son also) acting as the referee.

Copies of both of these curious and interesting documents will be found in the Appendix.[1]

[1] See Appendix B.

THE ENCLOSURE OF THE ABBEY PRECINCTS AND ITS GATEHOUSE

In a previous Section I have noticed the circumstance that, with some readers, it is by no means absolutely recognised that the monasteries of the old days were jealously guarded, and that access to their inmates, and the liberty of going out or entering in at will, were rigidly limited, and I referred to the high wall of enclosure and the strictly-kept gateway. I might have added that the same was true of some writers, as well as of a certain class of readers; for, in point of fact, the remark was suggested partly by the tenor of Mr. Charlton's comments on the connection between the removal of the market, as he assumed, from the place now called the Abbey Plain, and the "dissolution of the fraternity of monks," and partly by what appears to be the conception underlying many passages in both Charlton and Young's Histories, and which is certainly not based on any realised idea of the seclusion of the monkish fraternities, or their enforced abstinence from general participation in secular matters. As a matter of fact, we find Dr. Young expressing himself as follows in one place (p. 571): "It was our monks' policy to keep the people at a respectful distance; and if, when the Abbey began to prosper, a parish church was built for the laity, that they might not come into the Abbey church, it was very unlikely that the people would be suffered to hold markets," etc.

The curious medley of mistake and misconception involved in this short extract is enough to amaze one. For the writer

certainly knew, and as a fact that admitted of no sort of doubt, that the church of St. Mary of Whitby, the "parish church," with its half-dozen outlying district-chapels, formed a most important part of the original grant made on the refounding of the Abbey; or, in other words, that the parish church was a recognised building intended and made use of for the public worship of the inhabitants long before a stone of the existing Abbey church itself was so much as quarried; and the most elementary knowledge of the principles and practice of monachism, the most cursory consideration of what a monk was, of what the term itself meant, would have been, one would have thought, amply sufficient to dispel the wild idea that the "laity were ever wont to enter the Abbey church" as among the stated worshippers therein. Such phrases as "retiring from the world," entering upon "the seclusion of the cloister," are familiar enough as applied to a person who entered a monastery or became a monk; but where would have been the seclusion, and where the retiring, if the laity, they who were in the world and of the world still, entered at will, and even into the holiest place, and took part in whatsoever went on there? The "monk's" very name meant that he lived alone, apart, separate from the world; and the "monastery" was the place wherein a party of such persons took up their abode and pursued the calling they had adopted; silence, seclusion, obedience, poverty, labour, devotion, regularity, most or all, being the things they bound themselves to by the vows they took on entering the convent. Among the Carthusians indeed the silence and seclusion were so strict and so complete that the inmates of the monastery neither saw one another save, it might be, in the church, nor spoke to any one, nor ever saw a person of or from the outside world. Yet all this is overlooked by the writers to whom reference was made a few lines above, and still more among at least a portion of the reading public.

But, to revert more particularly, and for a reason, to the subject of strong walls of enclosure and the guarded entrance

of the ancient monastery. This is what one of the authorities I have at hand has to say upon matters of this sort: "The great enclosure (varying of course in extent with the wealth and importance of the monastery) was surrounded by a wall, the principal entrance being through a gateway to the west or north-west. The gateway was a considerable building, and often contained a chapel, with its altar, besides the necessary accommodation for the porter. The almery, or place where alms were distributed, stood not far within the great gate, and generally a little to the right hand. There too was often a chapel with its altar."

Now I do not propose to follow this descriptive account, given by Dean Hook in his *Church Dictionary*, any further here. What I have so far extracted is sufficient for the present purpose.

I cannot help thinking it a little remarkable that in no history, or sketch even of the history, of Whitby Abbey, so far as I am acquainted with such productions, has there ever been reference made to either the fact of the wall enclosing the Abbey precincts, to any of its characteristics, to the line which was taken by it, or, consequently, to the extent of the area enclosed by it. Neither—and quite naturally, the enclosure itself being left without notice—have I ever heard of, or seen the least reference made to the probable site of the great gateway; and my very object in writing these lines is to direct attention to what must be, to any one interested in the local archæology of Whitby, the very interesting nature of the inquiry which is involved in the circumstance I refer to, as well as to the inquiry itself.

A part of that inquiry is, "Where was the great gateway, and what was the line of the enclosing wall or other delimitating barrier which shut off the precincts of the Church of St. Peter and St. Hild, hardly less from the rest of the parish than from the rest of the world?"

"The principal entrance," we read just now, "was through

a gateway to the west or north-west; and the almery stood not far within the great gate, and generally a little to the right hand." Probably any one interested enough in the subject to take down his Charlton, and look at the "Plan of the Town and Harbour of Whitby," which serves as the frontispiece, and is dated in 1778, will also look at the building marked as "Stables, formerly Almshouses," with an almost earnest desire if not to read "almery" instead of "almshouses," yet at least to hope to be satisfied that if almshouses really were there, the ancient conventual "almery" furnished at least the *locus quo*, if not the actual building out of which, or in which, the almshouses in question found their origin and being. Passing by Mr. Charlton's quaint mistake of turning the *almarium* into a person—"probably not the almoner but the chantor, or the person supplying the necessary books"—we note that while the late F. K. Robinson and Charlton both speak of the almshouses as if of several, Dr. Young, more advisedly, uses the singular number, and speaks of the almshouse, and speaks of it, moreover, as being "on the west side, and standing where Mrs. Cholmley's stables now are." And from the traces of ancient mason-work still quite evidently discernible in the said stables, there can be little doubt that here actually stood the "almarium" of the convent; and coupling that probability with what is known of the relative positions of the conventual gateway and the almery, according to the general rule, the identification of the site of the one leads on to at least a reasonable conjecture as to the approximate position of the other.

It is true it is but the approximate position, but it is the approximate position of what had a very real entity in the early part of the seventeenth century, and continued to maintain it during the greater part of that epoch, even if not considerably later yet. In the privately printed Memoirs of Sir Hugh Cholmley repeated reference is made to this building. In one place the autobiographer writes: "About May 1626 I

undertook this business, . . . and resolving to live in the Gatehouse at Whitby, which was then inhabitable, so that then I began to be first a builder, or rather a repairer; for what I did was most within-doors, the outside fabric being much as it is this day." But the "this day" was certainly as late as 1636; for he was still living in the Gatehouse in 1628; and in 1634 he speaks of himself as having removed from Fyling Hall—a house he had not long since built for his own residence, but had afterwards sold to Sir John Hotham—and taking up his abode again in "the Gatehouse at Whitby, where I remained till my house was repaired and habitable." The house thus spoken of is of course what is known as the Abbey House, and its condition previously to the repairs just mentioned is thus described: "Which then was very ruinous and all unhandsome, the wall being only of timber and plaster, and ill-contrived within. And besides the repairs, or rather re-edifying the house, I built the stable and barn, I heightened the out-walls of the court double of what they were, and made all the wall round about the paddock. . . . The court levels, which laid upon a hanging ground, unhandsomely, very ill-watered, having only the low well, which is in the Almsers-close (Almshouse-close), which I covered; and also discovered and erected the other adjoining conduit and the well in the court-yard, from whence I conveyed by leaden pipes water into the house, brew-house, and wash-house."

Any visitor to the ruins of the Abbey church, who pauses for a moment in front of the west end of the old building, standing before what once was the magnificent west entrance to the sacred pile, and looks down into the court below, will see enough in the most momentary glance to assure him of the sweeping change of levels and other radical alterations which have had place there. Indeed, it is a question which I have heard propounded by visitors times without number, "But how was access obtained to the church? Was it by a great flight of steps?" That sentence, "The court levels, which

laid upon a hanging ground, unhandsomely" answers the question. We see the steeply-sloping bank broken up into different roughly-lying levels, each of them indicating one of the orderly terraces severally reached from the one below by a succession of easy stone steps. One may see it for himself still in the flights of steps, and the platforms they lead to, as he climbs the weary "church stairs." So too had it been in the rear of the existing lodge and gateway. The plundering utilitarian builder or constructor had reft away the broad flags and the well-ordered stone steps; and then the repairing, reconstructing lord of the manor had cut away the levels that were left, "unhandsome" as they were, and substituted for them the sudden level that does not now please the eye, but does excite the oft-springing question referred to above.

But this very consideration, it is nearly certain, will be anything but unhelpful in dealing with the question, "Where was the Conventual Gateway, or, as Sir Hugh Cholmley calls it, the 'Gatehouse'?" a building, be it remembered, large enough to accommodate the family and attendants of a gentleman who, when he removed from the Gatehouse into his house at Whitby (the Abbey House) in 1636, had "between thirty and forty in his ordinary family."

Allowing for the approaches to the main entrance to the Abbey church, and the space they must necessarily have occupied, and remembering that the "King's Highway" ran up the narrow steep defile now called Church Lane, and of course gave an approximate north frontage to any entrance-building of the kind we are thinking of, we can only place the building between the existing lodge and the end of the stables built on the site of the ancient Conventual Almery. As a matter of course, admission would be through a wide vaulted archway, and on one side would be the smaller gate permitting ingress and egress to foot passengers. Within were rooms for the accommodation of the porter; and in this particular case of the Whitby Gatehouse it is fully

evident that there must have been much available space besides.

As to the line taken by the enclosing walls or other boundary fences, the matter is to a great extent much more hypothetical than that of the approximate position of the Gatehouse. But still we are not left in total obscurity, or to the uncertain guidance of mere surmise or supposition. Ancient trackways, especially when marked by such abiding indications as the flagged causeways, known in this district as "Pannier-man's-Causeys," seem, in multitudes of instances, to preserve an undying being as well as memory. As a case in point, there are the old flags of the old-world road from Whitby to Hawsker side by side with the modern macadamised highway, and these flags, as one came from Hawsker to Whitby Churchyard no long time since, even if it were not so still, retained their position and their significance between the upper end of the road called the Green Lane, and were continued to the very point of turning in towards the Abbey House Lodge. That road must have run in its straitness—and all these old country highways were strait indeed: witness the Church Lane itself —outside the Abbey precincts. The line of this road then gives, within a foot or two on either side, the line of the wall enclosing the Abbey precincts from the head of the Green Lane to the open space on to which the Gatehouse opened, and into which on its other side the Church Lane debouched. On the other side of this strait roadway lay, beyond any reasonable doubt, the cemetery appertaining to the Church of St. Mary—the parochial churchyard, in briefest phrase. And those who could find a market cross in the fine old graveyard memorial that deserves more reverent treatment than it meets with in the miscalled and much-abused Abbey Plain, were not much blinder than the more recent *illuminati* who detected a village green in such a locality as that. Space for a very narrow highway, as highways were narrow in those old days; on the one side of it the strictly isolated Abbey precincts,

and on the other what should have been permitted to remain at least the quiet, if not the hallowed resting-place of all that was mortal of previous generations of Whitby folks: this is what must have been the absolute condition of things up to, and no doubt long after the Dissolution of the Monastery. What led to, and who originated or permitted or perpetrated the misappropriation and consequent desecration of the once hallowed ground—God's Acre or God's Earth, as it was wont to be called—it is no part of my purpose to inquire.

Although we have been on very safe ground so far in the attempt to delimitate the area hitherto spoken of as the Abbey precincts, and although we may with much safety assume further that the edge of the cliff on the west side and the line of the Hawsker road on the other side unquestionably indicated the boundary lines to some very considerable extent, still, the limiting of that extent is not a thing to be done off-hand. It is quite true that taking the line of the Hawsker road as far as the opening of the Green Lane upon it, and then following the Green Lane down the hill to the point where its line and the general line of the edge of the cliff converge, would form a very compendious and equally convenient mode of solving the difficulty, if not the doubt. But, apart from the fact that there is nothing that I am aware of to justify the notion, there are certain reasons which seem to militate strongly against it. One of these, and a weighty one, is that the space thus assumed to be enclosed would be greatly in excess of what was usual, and as much so of what was either necessary, expedient, or otherwise than burdensome to a mere monastic community. Thus the corresponding enclosure at Rievaulx can scarcely have been more than one-half or one-third of that so suggested at Whitby, and that at Byland hardly larger than that at Rievaulx. Eight acres was the extent enclosed by the boundary wall at New Abbey near Dumfries, and the area at Mount Grace did not much, if at all, exceed five acres. The area at Whitby enclosed by the Church Lane, Hawsker Lane, the

Green Lane, and the edge of the cliff can scarcely be less than forty to fifty acres in extent.

But if it be conceded that such an extent as this is improbable, a hypothetical division must be suggested, even if only in order to invite criticism. For myself, I should be inclined for divers reasons to assume a line of demarcation as possibly running from somewhere not far from the turnstile near the north end of the Ropery, to some point not far removed from the place where the Green Lane debouches on the road to Ruswarp; and I should choose those two points because, on the one hand, the easiest way of access to the Abbey from the available part of the harbour as it was then would be by what is now called Boulby Bank, and along the old trackway that certainly existed along the line crossed by the said turnstile, and on the other, an existing stone wall may possibly suggest the approximate site of a still earlier and immensely higher and stronger one—perhaps even, if duly questioned, might reveal the present places of some constituents of such predecessor. Indeed it is scarcely possible but that the predecessor existed somewhere in that vicinity.[1]

It might probably be regarded as an omission if no notice were taken of the remarkable testimony which was afforded, now a good many years ago, to the fact that the Almshouse Close was originally included within the limits of the Anglo-Saxon Monastery. Occasion arose for the rebuilding and enlargement of a jet-worker's shop not very far from the foot of the cliff, in a yard off Church Street between the Black Horse Yard and the foot of the Church Stairs. This led to certain digging of foundations and collateral excavation; and although the length of the new building was not much in excess of twenty feet, with a considerably less breadth, yet the astonishing quantity of upwards of four tons of animal bones, still in a condition to be saleable for manurial purposes, were taken out of the excavations made. The same character

[1] See Appendix A.

appertained to the entire mass; they were bones that resulted from the preparation of the flesh which had originally clothed them for human food. The bones of the ox were there in the greatest abundance, and as far as the observation I gave on several different occasions extended, they all seemed to have belonged to the same species of animal, namely, the Celtic Short-horn. I should think that, first and last, I observed nearly two dozen of these horns, some of them still adherent to the skull they had grown from; and in no one single instance did I meet with a horn that had not belonged to the species named. Besides the ox, the sheep, two species of deer (a larger and a smaller; no doubt the red deer and the roe), the goat, and especially the pig, were fully represented. I picked out, I should say, on one single visit not less than a dozen or fifteen boar's tusks. None of these were of large size, and several of them I thought distinctly small. But there could be no question that the other animals mentioned, and particularly the oxen, were well-grown and well-thriven animals. There were also oyster-shells, with those of the mussel, cockle, whelk, periwinkle, and another or two of the corresponding species; and even a few limpet shells might be noted among the rest of like constituents of this remarkable kitchen-midden-heap.

There was one question, however, connected with the deposit which it was not easy to settle off-hand; namely, whether the accumulation at the foot of the bank which had been dug upon in the way I have mentioned depended upon the bones, etc., having been thrown down the cliff-bank, or whether they had fallen down in consequence of the crumbling away of the cliff on or near the edge of which they had originally been deposited. I was unable to discard this latter supposition summarily, because I had on divers occasions remarked matters of the same general character as still discoverable in parts of the crumbling edge of the cliff and by the side of the footpath along its verge. And one day, when I was in company

with the late F. K. Robinson, we had both noticed a variety of bones of small size, and of the shells of shell-fish, and other matters, among which was what remained of a wooden comb. Still the large quantity of bones all lying together, and none of them appearing to have been subjected to much atmospheric action—as must have been the case had they fallen from the top through the slow action of disintegration of the upper part of the cliff—led me to think that these matters had been deliberately, and as a rule, cast away from near the then brae, and had accumulated in the immense mass discovered at the foot of the same. And this was a conclusion by no means without its bearing upon the question as to where during the two centuries and upwards immediately preceding the Danish conquest and subsequent occupancy, the bulk of the Whitby non-monastic population dwelt. Certainly it could not have been in the immediate vicinity of the midden-heap of the ancient monastery.

THE PARISH CHURCH, ITS APPROXIMATE DATE AND SALIENT FEATURES

In the "Memorial of Benefactions," after cataloguing in the succinctest way possible the lands about Whitby given to the newly reconstituted monastery, and mentioning the two hermitages of Eskdale and Mulgrave, the writer goes on in the sixth line from the beginning to name "the Church of St. Mary of Whitby, with its six chapels, and all its appendages whatsoever." The date of the Memorial is about 1160, and the date of the Benefaction specified from in or about 1080-95. And yet, as noticed in the last section, Dr. Young makes the extraordinary oversight involved in writing, "If, when the Abbey began to prosper, a parish church was built for the laity, that they might not come into the Abbey church," etc. etc.

The misconception is amazing enough, but the oversight is more astounding still, because it needs but the merest glance at the architectural details discernible about the parish church to become aware that the entire original church is older by the greater part of a century than the earliest part of the ruined Abbey church.

There are notices of the "Church of St. Mary"—I can hardly call them architectural, or even structural—in the pages of both Young and Robinson, and neither of them can be looked upon as really accurate. Young introduces the subject thus: "In the Saxon period there was but one church at Streoneshalh (though it was surrounded by a number of

oratories or chapels); for in those days of simplicity the people of the town, and of the country around, worshipped under the same roof with the monks and nuns; but some years after the Conquest, when religious pride became more general, the monks would have thought themselves degraded by such an intermixture. The church of the convent was appropriated to themselves, and to such friends as they chose to admit; while a meaner structure was erected for the use of the vulgar."

Some half-dozen allegations are ventured here, of which, while all of them may be characterised as baseless, two or three are certainly untrue, and among them the statements made or implied in the last period. "The meaner structure, erected for the use of the vulgar," was the "Church of St. Mary," which he says in the following sentence "was erected in the time of the Abbot William de Percy at Whitby for the inhabitants of that town and neighbourhood. Though this church, which was erected about sixty years prior to the oldest part of the present Abbey church, has undergone many alterations, enough of the ancient structure still remains to point out its original form and workmanship. It is a specimen of the early Norman architecture, which intervened between the Saxon and the Gothic."

I demur to the expression "meaner structure" as absolutely misleading, and indeed contradictory of the facts; and I cannot consent to the chronology. That the church was built during the time of Abbot William de Percy, that is, between 1100 and *c.* 1125, is possible, but it admits of doubt.[1] I do not think the style of the architecture quite justifies such a conclusion. It is early Norman certainly, though I should hardly think it all so early as that. The corbel-table to the

[1] In Parker's *Glossary of Gothic Architecture*, Plate XXVIII. (edition of 1845), I see a drawing of a "capital" in Whitby parish church, the date appended to which is 1100. This is a circumstance which must not be lightly overlooked. I have always thought there was a difference as to time between what remains on and about the chancel and the architectural features met with nearer the west end.

parapet of the chancel is certainly very ancient, but the remnants that are left nearer the west end hardly bespeak the same early date.

But admitting that the church was built during William de Percy's abbacy, or within the first twenty-five years of the twelfth century, still, inasmuch as we seem to be fully justified in assuming the abbacy of Abbot Roger to be the period in which the earliest work of the Abbey church, as we see it, will have been done, or about 1220 onwards, Dr. Young's "sixty years" must be stretched to one hundred.

It is in a note that this authority gives his reasons for "placing the erection of this church in the time of the Abbot William," and it will be seen that the architectural characteristics of the building itself have no influence or bearing on the opinion. He arrives at the conclusions stated "because it (the parish church) is not named in the first charter of Alan de Percy granted to that Abbot nor in any former charter, but is included in Alan's second charter." I cannot follow the Doctor's line of thought when he proceeds to state his disbelief that "any church was built here by King Edwin," or when he thinks it "necessary to remind the reader that Charlton's account of the rebuilding of that supposed ancient church, the transferring of the title of St. Peter's from that to the conventual church, etc., are mere fictions." I dissent from his conclusions as founded on the absence of mention of Whitby church in Alan de Percy's charters. I prefer to rest upon the positive statement made in the early part of the "Memorial of Benefactions" that William de Percy, styled at the head of his own charter (No. XXVII. in the *Chartulary*) "Primus Fundator," on the marked "increase of the number of monks, when his brother Serlo de Perci became a monk there, gave vills, lands, *churches*, and tithes in frankalmoigne, with the full and confirmatory concurrence of Emma de Port, his wife, and Alan de Perci, their son" and his heir; and consequently to assume that when these "Ecclesiæ" were given, the most important

of all, and the most essential to the completeness of the gift, namely, the parish church of Whitby itself, would be the last to be omitted. Besides this, in what is a very important charter,[1] although not noticed by either of the Whitby writers as such,—I mean the charter by Hugh, Earl of Chester, which can only be regarded as the charter which gave full validity to William de Percy's original grant,—the grant specified is of "Ecclesia S. Petri Whitbyensis," with all things thereto appertaining; and further still, the church of Middlesburg, "cum omnibus decimis Francigenis et Anglis": and how the old church at Whitby is to be excluded from the comprehensiveness of the phrase "et omnia quæ ad eam pertinent" I do not see.

Moreover, Dr. Young's more than implied conclusion—and he is more of a partisan in the matter than he usually permits himself to be, except when under the influence of his "No Popery" spirit—that there was no previous or Anglo-Saxon church, to be rebuilt at Whitby, is one which is surely irreconcilable with well-known facts. It is not only that such instances as those of Brompton, Crathorne, Kirk Levington, Arncliff, attest the existence of even elaborate Anglian churches in that part of the Cleveland district, but the like evidences afforded in abundance at Easington, Hinderwell (or rather Seaton in Hinderwell), Hackness, Hawsker, etc., which bring home to us the conviction that "Anglo-Saxon" churches in the Whitby district were the reverse of rare, and that it would have been a strange and unaccountable thing indeed if Streoneshalh — the foster-mother of the Anglian church in that country at large—should have been herself the one to lack a

[1] This charter is printed as No. XXV. in the *Chartulary*, and detailed examination of it and its import will be found at p. xlv. *et seq.* of the Introductory Chapters. There cannot be any doubt of any sort that the name Fleinesburgh is a mistake made by the copyist for that of Midelesburgh; and this conclusion carries with it the further conclusion stated in the text, and is itself corroborated by other matters adverted to in Introductory Chapters just cited.

church of the period. I cannot assent to such a doctrine, and I make no doubt at all that there was an early parish church at Whitby, and that when Abbot William (as it may be) began his work of rebuilding, he was doing precisely what the church-building or restoring lords of lands and manors were doing at and about the same period throughout the said district as a whole.

Continuing the extract from Dr. Young's book from the point at which the last quotation closed, we find him writing: "The church had neither tower nor transepts, but was a plain oblong building, with a chancel at its eastern extremity. It had no aisles; and the windows, of which there was but one row, were very small, each being only 20 inches broad, and about 4 feet 6 inches high." Young's further description of these windows is so halting and defective that it is better to turn to Robinson's somewhat more intelligible account. They "are splayed internally, having capped columns at the sides, supporting semicircular heads with zigzag mouldings." In truth these windows, one of which may still be satisfactorily inspected by going up a staircase to the gallery immediately on the right as one enters the church from the porch, were by themselves alone sufficient to discredit the idea involved in the expression "a meaner structure." The chancel arch, moreover, blocked, hidden, misused as it is by reason of the Cholmley pew which is built right across it, bears its most distinct testimony that this early Norman church was no contemptible specimen of what a Norman church as it came from its builders' hands actually was. These features, from the extraordinary and indeed inconceivable way in which the caprices of modern innovation have been permitted to have an utterly free hand, have to be looked for and are seen under circumstances of much difficulty. But the Norman buttresses and corbel-table on the outside, and the window details yet spared on the inside, are enough to help a moderately instructed observer to recall the main characters of the original church.

It may be added that very cursory observation will be sufficient to reveal the circumstance that the church, as originally completed, was without a tower. If the visitor penetrates within the door at the west end of the nave he will see at once that the wall which separates between himself and the church was built as an outside wall. The plinth, a foot or two above the ground line, utters no uncertain sound as to that fact. That the gable above terminated in a bell-gable, like as in the Cleveland churches in general in the first instance, there can be no doubt. But it is equally certain that no long time was suffered to elapse before a tower was appended at the west end. Divers churches in Cleveland remain, or have remained until recently, notably Yarm, Upleatham, Whorlton, to show how in late ages the tower was lamely set to stride over the west end of the church, appropriating to its own uses more or less of the original gable and bell-gable. But at Whitby it was otherwise. The tower, and less than three-quarters of a century later, was (so to speak) affixed to the west front or wall of the church.

Speaking of this, Dr. Young says: "The present tower was erected at the west end long after the church was built. Of this there can be no doubt; for, besides the difference in the style of architecture, and the obvious junction of the tower to the wall of the church, we see within the tower the tablets or bands" (he means the plinth just referred to and the string-courses), "which run along the south wall, continued in that part of the west wall which the tower has enclosed. For some time after its erection the tower has served as a porch to the church, the main entrance being still at that end; but that entrance through the tower has now been shut up for several ages." Here Robinson and Young are at variance; for the former writes: "Originally Norman in nave and chancel, with the entrance on the south side of the former, the tower at the west end, as well as the transepts, are after additions. The entrance, round-arched, with a pair of 'cushion-capped'

columns on either hand, was destroyed in 1825 to make the principal porch nearer the tower, where it now is." But I think Dr. Young is right, and that the principal entrance was beyond doubt at the west end. That there was a south entrance besides, as well as the priest's door in the south wall of the chancel, is I daresay also certain. Such seems to have been the rule in the early or Norman Cleveland churches, in which, or at least in not a few of them, a door in the north wall of the nave is not an unusual feature. But in nearly all of them the entrance at the west end was marked out as the principal one by its elaborate architectural details; arches of three orders, with careful and often beautiful mouldings and characteristic carving, having been far from infrequent.

At a somewhat later date still than that of the tower, transepts were thrown out, and, it would appear, on the north as well as the south side. From what can be still gathered from what remains, that on the north side was during the continuance of the Early English style or period, as is attested by the lancet windows and more than one of the mouldings. "The front of the south transept," says Robinson, "which comprises one spacious window, originally filled with stone mullions and tracery, may date about 1380." It is hard to say anything decisive about it. What is left is too poor and meagre to help one much in an attempt to describe, or even to seek for indications such as to inspire any sort or degree of confidence.

As to later innovations, or whatever else the insertions in Whitby church may be called, there is surely no need to occupy space in a book about "Old Whitby" to speak about them.

APPENDIX A

Note to Page 308

When I had newly written the paragraph referred to, a somewhat curious speculation suggested itself to my mind, in connection with the time-out-of-mind-accredited site of the "planting of the Penny Hedge." It is to be observed that neither Charlton nor Young makes any doubt that the Penny Hedge is a survival of the Horngarth. The language of the latter is very explicit. Speaking of an entry on what he terms "an imperfect leaf at the beginning of the Register" or Abbot's Book, he says, "From this document we learn that the *horngarth service* is the very same with what is now called the *planting of the penny hedge.*" Assuming this to be so—as indeed I have never doubted—it occurred to me to speculate as to whether there might not be some possible connection between the old-established site of the Hedge and the ancient enclosure of the Abbatial precincts, or, at least, some of the accidents connected therewith; and still, although I know now that the suggestion referred to had no actual basis, I am by no means sure that the connection I was almost ready to assume is one which ought to be summarily dismissed.

On the face of the Penny Hedge legend and the observance itself, it is even obtrusively apparent that the making of a fence avowedly only strong enough to stand three tides, and with no continuation of it in any direction, either attempted or even possible, can never have had any real or practical purpose, end, or object. And besides, there can be no possible reason why only Fylingdales homagers (and indeed only one of them) should be summoned and held to the performance of such a farcical, objectless ceremony. The proceeding itself is so nonsensical—considered simply in the light of a "service"—that one is almost constrained to think that the explanation must be, if not nonsensical also, yet surely arbitrary, or simply formal.

Still, putting that part of the matter on one side, it is self-evident that there must have been a reason for making the Penny Hedge just at the particular place marked out, by tradition or otherwise, for the observance of the ceremony; and the speculation referred to is something of this sort: "Had the site named anything to do, not so much with the actual enclosure of the Abbey precincts, as with the means of approach, whether by pack-way or road, to the Abbey and its offices themselves?"

There is no question that the Abbey and Convent had their own wharf, pier, staith, or by whatever other appellation the accommodation in question was distinguished: the clause touching "plankage," and the specific mention of the "Abbot's plank" in the second of the French deeds, translations of which are printed just below, are quite sufficient to establish that point. That easy access—at least as easy as access could be with such a hill intervening—to the Abbey premises from this wharfage was a *sine qua non* cannot but be postulated. And would not the way from the Abbot's wharf to the Convent be likely to be, in part or in whole, what we term a "private road"? That there was an ancient road or way leading into, if not through, what is now called the Almshouse Close, tending towards the upper part of the Church Lane, is a conclusion which rests safely on the fact that such a way, and some part of it still paved with cobble-stones, still exists, and leads thither from the vicinity of Boulby Bank. This, as a way at all, must, from the point at which it entered the Abbey precincts, have been a strictly private way. The idea that occurred to me was that it was in no way impossible that the setting of the Penny Hedge, which never could have had any absolute economic use, or any continuation landwards from that particular site, might have originated in some quasi-fence or hedge bounding the Abbot's right of way. One can certainly imagine the commutation of the Horngarth service, when the progress of enclosure had rendered the actual making of the strong fence thereby implied altogether supererogatory, into some practically gratuitous observance, such as the "yearly rent or acknowledgment to be paid if demanded" mentioned by Young (p. 501), which might be "three peppercorns," or a single silken garter, or one of a pair of gloves, "a rose in the time of roses," or any other trifling recognition of obsolete dependence. That the planting of the Penny Hedge may or must have, so far as the idea of it is concerned, sprung out of the old Horngarth, is more than possible, perhaps more than even likely; but that it sprung thence in the way above imagined is I daresay only barely supposable. Certainly it is not accounted for in the legend which professes to describe it and the manner of the doing of it.

My reason for saying, as I did a little above, that the suggestion I referred to "had no actual basis" was as follows. I believe that no one has hitherto noticed that the ignorance which prevails as to the reason why the Penny Hedge was and is planted at the particular spot set apart by prescription for the purpose, depends simply upon a trifling miscopying and mispunctuation. The Abbot's Book or Whitby Register notice of the "Hornegarth service" closes thus: "So comminge to the water at the towne end they maid the hedg which should stand three tydes, and then the officer did blow 'Owte upon they.'" Charlton and Young, and their confiding copyists, give this as follows: "Comminge to the water at the towne, and they maid the hedg which," etc. But there is a great difference between "the water at the towne end they maid the hedg" and "the water at the towne, and maid the hedg." "The water at the towne" conveys no definite idea. "The water at the towne end," on the contrary, does, but only because the towne-end is itself a perfectly definite mark or limit. The plain English of it is that the town came to an end above the bridge, just short of the extant site of the Penny Hedge. There were no buildings to the south of that line when the memorandum in the Abbot's Book just referred to was made.

Any reader who will take the trouble to refer back to the section dealing with the grouping of Whitby just after the Dissolution (p. 181 *et seq.*), will be struck with the remarkable confirmation of this statement which is afforded by the fact that in Southgate, which began where the short bit of street called Crossgate ended, there were but six houses, or cottages really, in all. The "end of the town" was almost reached when one got to the termination of Crossgate.

It was in the ancient Crossgate that the old "tolbothe" stood, as we remember. That the tollbooth was at no great distance from the principal landing-stages, wharves, or staiths of the day, there can be no doubt; and it is probable that the staiths of the merchants would be nearer the custom-house or tollbooth than the Abbot's wharf or staith. But, in that case, we have the Abbot's landing-place thrust down to very nearly the site of the Penny Hedge; a conclusion which by no means militates against the idea that there may have been a way, possibly even a private way, from what was then the end of the staith or make-shift wharf, up by way of the Boulby Bank slope to the offices of the monastery. It is obvious that there must have been such a way from the port or harbour, and it is difficult to select any place from which it could have been readier or easier. Given such a way, it is at least an admissible supposition that its commencement and the site of the Penny Hedge may not have been totally unconnected.

APPENDIX B

i. THIS indenture made between the Abbot and Convent of Whitby, Lords of the said Vill, of the one part, and William Page, Richard Here, John Redhead, John Laxman, Robert Cobbe, Bartholomew Chapman, Richard del Ostery, Peter Page, William de Stokesley, John Scott, John Smith, William Hersand, Andrew Cragger, William Webster, William son of John Page, Alan Penok, Benett de Malton, John Barker, Robert de Rotherham, Robert de Staynton, Alan del Celer, Nicholas Conynge, John de Lealholm, William Darell, and the Commonalty of the vill and burgh of Whitby, of the other part, Testifies that, inasmuch as debate and strife have been moved between the aforesaid Abbot and Convent, who claim lordship and franchises within the said vill and burgh by the title of uninterrupted prescription, that is to say, that the whole of the said vill is held entirely of them and as of their fee, that is to say, every toft by the services of 5d. a year and fealty ; and that they have within the said vill cognisance of all pleas, to hold the same by their bailiff of the said vill, that is to say, a Court-merchant to be held from day to day (*de jour en altre*), and their great Court of Common Pleas to be held three times a year, concerning tenures in the said vill, and trespass, contracts, covenants, therewith connected, to which Courts all residents within the said vill are bound to come before the Abbot's officials (*ministres*) that justice may be done there and that which right demands be dealt ; and also Sheriff's Tourn, to be held twice a year, to which Tourn all residents, on being warned, are bound to come, and present matters meet for presentation, before the Abbot's Officials : And also the amends of assise of ale broken there, the gauging of measures therein, and infangthef, at the delivery of which all residents within the said vill are bound to come, and fulfil that which belongs to such a delivery : And also a fair and market therein, and the profits thence arising ; and that no burgess of the said vill be made save by the Abbot alone and with his assent and approbation : And that all widows in the said vill do swear not to remarry save with his

permission and approbation: And that the Commonalty (*Communite*) of the said vill have no power to make any Bailiff or other Officer (*ministre*) in the said vill, but the Abbot is to create them, removable at his discretion; As also that they of the said vill have no power of themselves, without the consent of the Abbot and his successors, to make ordinances, customs, nor anything else by the means of which either aliens or home-dwellers might be placed beyond the reach of common law. And also the aforesaid Abbot and Convent claim to have all the same franchises within the said vill as the vills or Churches of Ripon or Beverley have and claim to have: Also that, at every seisin which shall be delivered in the said vill [there shall be received] 4d., and 1d. for beverage, by their bailiffs; and that, as to any tenement which shall be offered for sale in the said vill, it shall first of all be offered to the Abbot, and if he be disposed to purchase, he shall have the precedence over all others: And that the Abbot and Convent, in regard of any kind of provisions which shall be exposed for sale in the said vill, shall have the first bid in priority of all others. And also they claim to have all the wastes within the said vill, and the penalties for all purprestures therein made or effected; and also tolls and customs on all vendibles, and on all merchandise bought and sold, as well by land as by water, within the said vill, or on the sea adjacent called the Roadstead, and all other franchises and customs hitherto used and enjoyed by themselves and their predecessors in the said vill. And also the aforesaid Abbot and Convent claim to have and possess in severalty all the fields (or *campi*, *chaumpes*) of Stakesby, Newholm, Larpool, Whitby Lathes, Lathegarth, and all that is contained within the Acredike in the said vills, so that no tenant in the said vill of Whitby ought by any means to pasture or have common right there at any season of the year.

And the aforesaid William Page and the others named above have gainsaid and counterpleaded on the other hand, and do now formally deny the justice of the assertion by the said Abbot and Convent of the lordship and franchises claimed by them, as is above said, by reason of (*par colour*) an ancient charter made before memory of man by a certain Abbot Richard at that time living, as they say, in which charter, as is alleged, is contained the affirmation that the Abbot who then was, with the consent of his Convent, assuredly gave and granted to the burgesses of Whitby the vill of Whitby to hold as a Free burgh, and free laws and free rights, and quittance in Whitby and out of Whitby, in all places and of all places appertaining to the Church of St. Peter of Whitby, in virtue of which charter, notwithstanding its not having been actually put in force, the Abbot and Convent, as it appears to them, were ex-

cluded from the lordship of the said vill, and the franchises thereof: And also by reason of a certain clause contained in the said ancient charter, which they say they have, under the seal of the said Richard and the Convent, which however was not produced, which shows that he must needs have granted to the said burgesses common of pasture without limiting where or in which place or vill; so they claim right of common in the places above named which the Abbot and Convent have held and claimed as their severalty, as is aforesaid.

Finally, these matters having been discussed and debated by the counsel on the one side and on the other, and it being taken into consideration that the Abbot and his predecessors had at all times been seised of the lordship of the said vill of Whitby, and of all the franchises and customs above named, as the right of their Church of St. Peter of Whitby; and on the other hand, that the said ancient charter, made before time of memory, if it be such as is supposed, cannot be of weight or take effect except according to what has hitherto been the use and custom: So the parties have come to an agreement as follows: That is to say, the above-named William Page and the others as above, and the said Commonalty, acknowledge the aforesaid Abbot and Convent to be sole Lords (*Seigneurs entierment*) of the said vill of Whitby, and to have the lordship and all the franchises, as is above claimed by them, in the said vill of Whitby: And also they acknowledge that the said fields (*chaumpes*) of Stakesby, Newholm, Larpool, Whitby-lathes, Lathegarthe, and whatsoever there is within the Acredike in the said fields, are the severalties of the said Abbot and Convent, and for all time have been such of right, and they release from themselves, their heirs and successors, all manner of right or claim which they have in the said localities and places to the said Abbot and Convent and their successors, and that henceforward they will be of aid to none, either privily or openly, who shall purpose to infringe or assail the said lordships or franchises in any particular, but in all possible ways they honestly can, will maintain and make them good in all points. And in assurance of loyally holding and fulfilling this, they concede for themselves, their heirs and their successors, that whosoever of them or of the said Commonalty of Whitby shall impugn, or counsel, aid, or favour the impugnment of the aforesaid lordships or franchises in form aforesaid, and shall be convicted of the same, that he or they who shall be inculpated in this particular shall be held by these presents bound to the said Abbot and Convent for each offence, in the sum of ten pounds. And for the greater assurance or confirmation of this agreement, each of the parties mutually release and acquit, the one to the other, all manner

of actions for trespass up to the present time [commenced] by the one against the other. And the aforesaid Abbot and Convent, for themselves and their successors, on their own special behalf have granted to the aforesaid William Page and the others above named and to the said Community, burgesses of the said vill, their heirs and successors, common of pasture for all manner of live stock, save only pigs and goats, in the Carrs, with right of way thither by the highway through Ruswarp, at all seasons of the year, and in the Spoutcliff from the Spout, and in Ellerdale Thickets as far as to the head of Ellerdale, and in Crosskeldsyke as far as the high street which stretches from Whitby, and all the way to Hawsker, from the Feast of All Saints to the Feast of St. Peter in cathedra, reserving also to them their common of pasture on the high moors, and in Raythwait and Lascough, accordingly as they, their ancestors and predecessors, have in all time been seised as appertaining to their free tenement in Whitby. In testimony of which, etc.

Dated at Whitby on the Feast of St. Bartholomew, the year of Grace, 1351, before these witnesses: Mons. Peter de Mauley the Fifth, Lord of Mulgrave. Mons. Peter de Mauley his son. Thomas de Seton. John de Moubray. Thomas de Ingleby. John de Fulthorpe. John de Midelton. Thomas Greathead: and others.

ii. To all who shall see or hear these presents be it known that whereas great strife and debate have been moved between the Abbot and Convent of Whitby, of the one part, and the Burgesses tenant and resident in the vill of Whitby, of the other part: WE, Henry de Percy, Earl of Northumberland, heir of William de Percy, Founder of the said Abbey, out of our affection for the same and of our grief over the dilapidation of the property alike of the said Abbot and of the good folks of the vill, have induced them to come to terms in a friendly manner, so as to eschew the heavy expenses arising from litigation touching such matters of debate: Wherefore the said Abbot and Convent, Lords of Whitby, of the one part, and William del Hall, John Scott, and John Smyth the younger, on behalf of all the people of Whitby, on the other, came before US, the Earl aforesaid, the Feast of the Translation of St. Hild, that is to say, the 25th day of August, the tenth year of the reign of King Richard II., and of their own good will and free consent submitted to our decision and judgment as to all the matters between them debateable, which here follow: namely, of the amends of the assise of ale broken in the said vill, at the said Abbot's Tourn twice in the year: Also, of plankage in the Port of Whitby: Also, of taking earth and stones in the

wastes of the said Abbot and Convent: Also, touching right of common within the Acredyke of the said Abbot and Convent: Also of the fines for the remarriage of widows and the creation of burgesses in the said vill: Also of the spredeles of nets: Also of the interpretation to be put upon an ancient charter made in the time of Abbot Richard:—Which matters having been heard, WE, the aforesaid Henry, consented to take upon ourselves the consideration and judgment submitted to us, and hereupon directed the aforesaid Abbot and Convent, and the Burgesses and folks of the said vill, to see to the attendance of their Proctors before us on behalf of each of the said parties, in London, at Michaelmas Term next ensuing. Whereupon, at the term named, Thomas de Hawkesgarth, Prior of Middlesbrough, Walter de Clopton, Robert Charleton, William Thirnyng, John Markham, John Lockton, and William Penrose, Sergeants, Thomas de Skelton, William Gascon, William Lambert, John de Burgh, and Roger Wandesford, Apprentices, of the Counsel for the said Abbot and Convent collectively; and William del Hall, John Scott, John Smith the younger, with William Pickhill and John Wadham, Sergeants, John Preston, John Woodrove, John Conyers, and Hugh de Ardern, Apprentices, of their Counsel, as well for the Abbot and Convent of the one part, as for the Burgesses and inhabitants of the said vill, of the other part, came to Westminster on divers days, before US the aforesaid Earl, and Mons. Robert Belknap, at that time Chief Justice of the Common Bench, Mons. William Burgh, another Justice of the same, and other prudent and learned men of our counsel, that consideration and judgment should be duly had. And the said debateable points having been fully investigated on the one side and on the other, and the opinion of the Justices and other men of wisdom taken upon the same, We assigned a day to the parties aforesaid to appear before US at Seamer in the County of York, viz. Monday the 7th of January then next ensuing. On which day the said Abbot, with the assent of his Convent, came thither in person, and William del Hall, John Scott, and John Smyth the younger, appointed by all the men of the vill of Whitby, came thither in like manner, whereupon WE, the aforesaid Earl, declared to them our decision and judgment, under the opinion of the Justices and others as is stated above, in the presence of our eldest son, Henry de Percy, of Ralph de Percy, our younger son, Brian de Stapylton junior, Knights; John Dask, Robert Cumberworth, William de Newsome, John de Lockton, Walter Ruddestain, Thomas Lovell, and others, in manner following:—WE adjudge and decide that the Abbot and Convent do have and hold, as of their right, the entire lordship of their vill of Whitby; and

the amends of assise of ale broken, within the same, twice in the year, as is usual in Sheriff's Tourns throughout the realm: Also that the said Abbot and Convent do have plankage, that is to say, 4d. for their plank from strangers; and for the vessels of the burgesses themselves the burgesses are to have their own proper planks free, or if not, the Abbot's plank without the payment of anything for it: And as to the wastes of the vill, inasmuch as they are appurtenant, by reason of the lordship, to the said Abbot and Convent, no one is to intrude for to take thence stones or earth, save with the assent and special permission of the said Abbot, except it be stones and sand within tide-mark. And more especially, no one shall take either so as to be a damage to the port or an injury to the Cliff of the Church of Whitby above named: Also, as to right of Common within the Acredyke, it should be used according to what is specified in the Convention sometime since made by the Abbot and Convent of the one part, and William Page and the burgesses of the vill, of the other part: Also, that it is perfectly lawful for the said Abbot and Convent to impose and levy fines for the remarriage of widows and the creation of burgesses, without challenge, as it is found they have been in the habit of doing at all times past: Also, as to the sprideles, no one else has any right to them save the Abbot and Convent only, according to the quantity and quality of the portion of their free tenement which may be occupied: Also, as regards the ancient charter of the Abbot Richard, that ought to be interpreted in no other way but as is set forth in the Composition of William Page and his associates previously referred to. And in testimony of this our decision, to these Indentures tripartite, WE, the aforesaid Henry de Percy, Earl of Northumberland, have set our seal, at Seamer the 7th day of January before specified.

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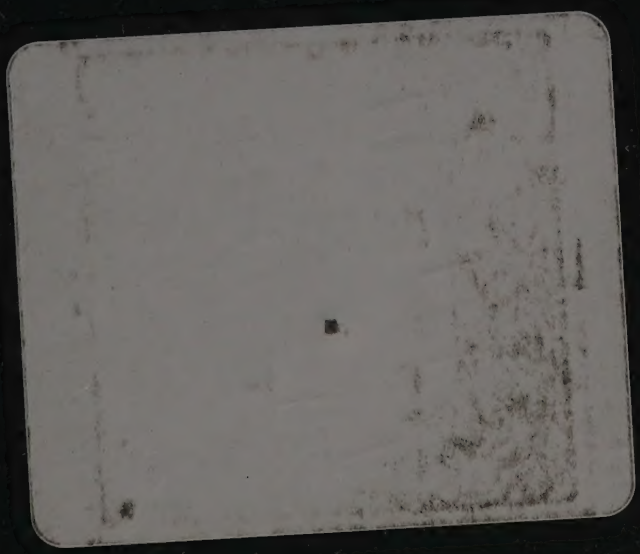
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